Region 10
U.S. Environmental Protection Agency

Cultural Resources Coordination Plan Upper Columbia River Site CERCLA RI/FS

March 23, 2005

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Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation
Act	National Historic Preservation Act
AHPA	Archaeological and Historic Preservation Act
AIRFA	American Indian Religious Freedom Act
ANCS	Automated National Catalog System
APE	area of potential effects
ARPA	Archaeological Resources Protection Act
ASMIS	Archaeological Sites Management Information System
BIA	Bureau of Indian Affairs
CBAS	Columbia Basin Archaeological Survey
CCT	Confederated Tribes of the Colville Reservation
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CLAIMS	Cultural Landscapes Automated Inventory Management System
CRCP	Cultural Resources Coordination Plan
CTEC	Colville Tribal Enterprise Corporation
E&E	Ecology and Environment, Inc.
ERI	Ethnographic Resources Inventory
FACA	Federal Advisory Committee Act
FACA	Federal Advisory Committee Act
HABS/HAER	Historic American Building Survey/Historic American Engineering Record
LCS	List of Classified Structures
MOA	Memorandum of Agreement
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Office
NPS	National Park Service
OMB	Office of Management and Budget
PCBs	polychlorinated biphenyls
Reclamation	Bureau of Reclamation
RI/FS	Remedial Investigation and Feasibility Study
SHPO	State Historic Preservation Office
START	Superfund Technical Assistance and Response Team
STI	Spokane Tribe of Indians
TDD	Technical Direction Document
THPOs	Tribal Historic Preservation Officers
UCR	Upper Columbia River
USEPA	U.S. Environmental Protection Agency
WEAP	Worker Environmental Awareness Program

SECTION 1

Introduction

The U.S. Environmental Protection Agency (USEPA) is conducting a study of hazardous waste contamination, called a Remedial Investigation and Feasibility Study (RI/FS), along a stretch of the Columbia River between the U.S.-Canadian border and the Grand Coulee Dam, an area referred to as the upper Columbia River (UCR). The RI/FS is being conducted pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The RI/FS activities for the UCR will be executed by the USEPA and its authorized contractor, CH2M HILL. The goals of the UCR RI/FS are to:

- Evaluate how much contamination exists and where it is located
- Determine if public health or the environment is at risk from the contamination
- Determine if any cleanup is necessary
- Develop and evaluate cleanup options

Section 106 of the National Historic Preservation Act (Act) requires USEPA to take into account the effects of its undertakings on historic properties. The Act also affords parties that have an interest in the effects of the planned undertakings a reasonable opportunity to comment on such undertakings. USEPA is working with the parties potentially affected by USEPA's activities at the UCR site to assess the effects of its planned work and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties.

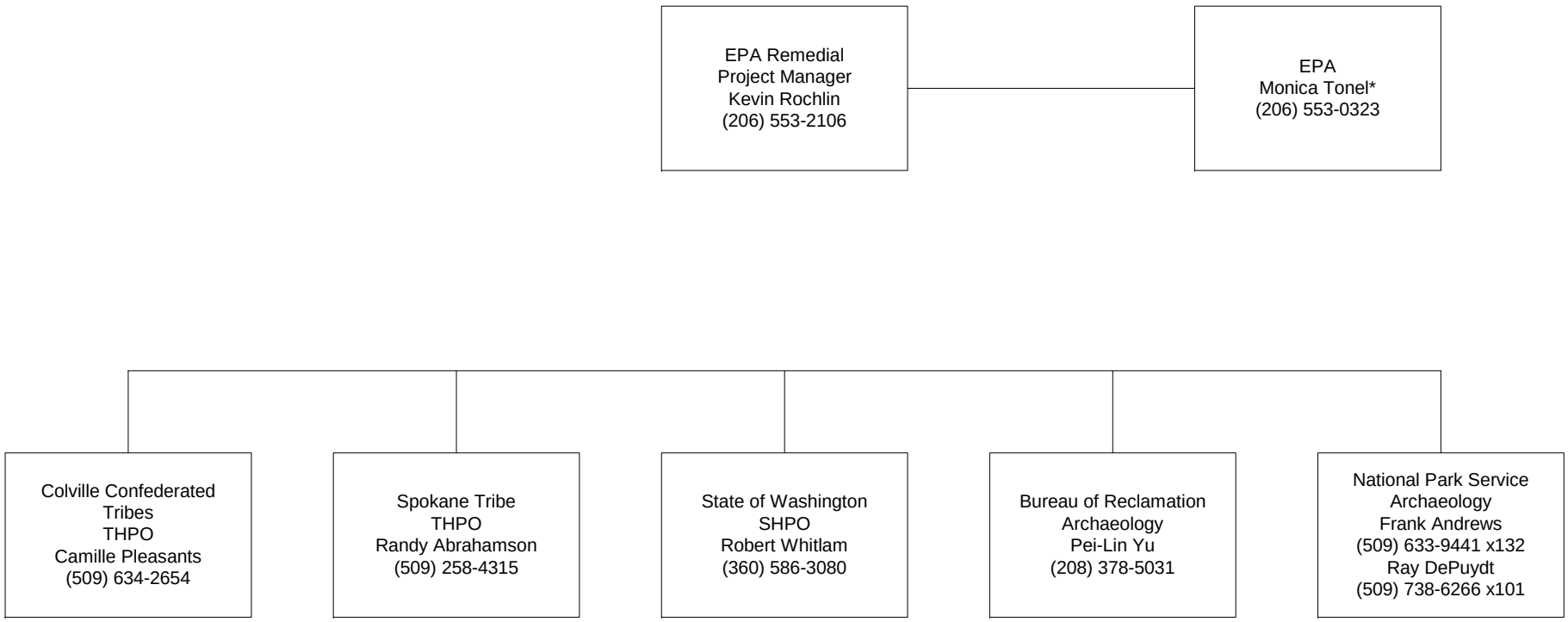
This Cultural Resources Coordination Plan (CRCP) provides detailed consultation procedures, resource protection measures, and pertinent background information.

Section 2 (Project Description) provides a detailed description of the sampling program and the methods to be employed to secure sediment samples for toxicity testing. It also provides information on the nature of the physical impacts that could be anticipated by sediment sampling operations**. Section 3 (Area of Potential Effects)** describes the specific locations proposed for sediment sampling and provides a series of map exhibits illustrating the proposed sampling locales**. Section 4 (Regulatory Framework)** presents the various federal, tribal, and state laws, regulations, and policies that protect cultural resources, and guidelines for consultation between tribal governments and the federal and state governmental agencies participating in the program. **Section 5 (Consultation)** details the consultation protocols and guidelines to be followed with all the interested parties to the RI/FS. **Section 6 (Cultural Resources Background)** gives a general description of the project area, an overview of the regional prehistoric cultural sequence, and ethnology. **Section 7 (Coordination Plan)** summarizes the coordination plan and iterates both the consultation and contingency planning, particularly as related to discoveries in the field, site security, and worker environmental awareness.

Figure 1-1 identifies the various parties and their respective primary contacts for cultural/archaeology coordination and consultation for the UCR RI/FS.

In addition to the RI/FS undertaking that is encompassed under the UCR CRCP, the USEPA Region 10 Removal Program is conducting related work that includes a mercury field

survey and removal assessment of an approximately 2-mile stretch of the Columbia River main channel near Steamboat Rock just north of Northport, Washington. For the purposes of Section 106 consultation, the mercury field survey and removal assessment represent a modification of the RI/FS undertaking, not a new undertaking. The mercury field survey and removal assessment work has been tasked by USEPA to Ecology and Environment, Inc. (E&E) under Superfund Technical Assistance and Response Team (START)-2 Contract Number 68-S0-01-01, Technical Direction Document (TDD) 04-12-0023. The purpose of the field survey is to assess the possible presence of large accumulations of elemental mercury in the main channel of the upper Columbia River near Northport. The UCR CRCP will be implemented by the USEPA Removal Program and E&E personnel involved in the mercury field survey and removal assessment work.



Key:

* Alternate
SHPO State Historic Preservation Officer
THPO Tribal Historic Preservation Officer

CH2M HILL	Upper Columbia River Site Northeast Washington CERCLA Remedial Investigation and Feasibility Study	FIGURE 1 Cultural/Archaeology Chart		
		Date:		

SECTION 2

Project Description

Previous studies conducted by federal and state agencies have shown elevated levels of contamination in UCR sediments. Other previous studies evaluated contaminant source areas and effects north of the Canadian border. Contaminants found by those studies include heavy metals such as cadmium, copper, lead, mercury, and zinc, as well as organic contaminants such as dioxins, furans, and polychlorinated biphenyls (PCBs).

In August 1999, the Colville Confederated Tribes petitioned USEPA to conduct an assessment of hazardous substance contamination in the UCR. Their petition expressed concerns about risks to public health and the environment from contamination in the river. In December 2000, USEPA completed a preliminary assessment of the UCR that indicated further data collection was warranted. In 2001, USEPA conducted an expanded site inspection and collected samples to learn more about the types and amounts of pollution present. The sample results showed that contamination is present in lake and river sediment and that an RI/FS is warranted.

2.1 Sampling Program

The following describes the various methods that may be used to collect sediment samples as part of the UCR project, and describes typical conditions where each sampling method would be used, anticipated equipment requirements, and potential disturbance or impact caused by site access and/or sample collection and retrieval. Some methods described here will not be used during the upcoming Phase I sediment sampling event, scheduled for April-May 2005, but may be considered for sediment sample collection during any subsequent phases of sediment sampling. Additional details of the sediment sample collection program and anticipated collection methodologies will be provided in forthcoming work plan documents (for example, field sampling plans) and these will be integrated into this CRCP. The anticipated sediment sampling methods to be used for Phase I are summarized below. More information about each of these methods may be found in the indicated section of this document.

TABLE 2-1
Summary of Anticipated Sediment Sampling Methods for Phase I (April and May 2005)
Upper Columbia River RI/FS

Sample Type	Anticipated Method(s)	Document Section That Describes the Method
Grab Sample of Exposed Surface Sediment	Shovel, Trowel, or Hand Auger	**Exposed Sediment**
Grab Sample of Submerged Surface Sediment	Van Veen or Ponar Grab Sampler	**Submerged Surface Grab**
Shallow Core Sample of Submerged Sediment	Vibracorer	**Submerged Shallow Core**

2.1.1 Sediment Sampling Methods

Sediment sampling collection at the UCR site will include the following two general types of sediment samples:

- Exposed Sediments: sediment that is above the water surface elevation at the time of sampling
- Submerged Sediments: sediment that is below the water surface at the time of sampling

Sediment sampling conditions will include some areas with water turbulence and high water velocities where it will be difficult to maintain a fixed position, and areas of little turbulence and low water velocities. Water depths will range from very shallow to 300 feet or more, and river widths will range up to 1.5 miles. Site conditions will change with the time of year, flow volumes, and fluctuations in the height of Lake Roosevelt behind Grand Coulee Dam.

Different sampling methodologies will be used for either exposed or submerged sediment. These methodologies will vary, depending on the type of sample to be collected. The types of samples to be collected are surface grab samples, surface composite samples, shallow cores and deep cores. Each of these is discussed below:

- Exposed Sediment: sediment that is exposed during sampling; sample depths can include surface or subsurface cores
- Submerged Surface Grab: shallow sediment from 0-8 inches, depending on sediment consistency
- Submerged Shallow Core: sediment from 0-10 feet or up to 20 feet, depending on penetration
- Submerged Deep Core: sediment from 0-50 feet or more

Each type of sampling method is further described below. Sampling requirements and the expected impact to the surrounding area also are described.

Exposed Sediment

Exposed sediment sampling will include beach sediment that was deposited during flood conditions, which typically is above the maximum high water in the river reach above the reservoir, as well as sediment that is exposed during periods of low water. Depending on access to the sampling site, it typically will be beneficial to sample these areas during low water. However, in areas with especially difficult land-based access (such as soft soils or deep mud), these sediments may be sampled during high water via boat access, following the submerged sampling methods described below.

Methods

Sampling of exposed sediments will be accomplished using a shovel, hand auger, trowel, Geoprobe, drill rig, or tripod-mounted vibracorer, dependent on the proposed sample depth. Digging with a trowel or hand shovel is an effective means of collecting shallow samples (0-2 feet). Intermediate samples can be collected with a hand auger or tripod mounted vibracorer (0–6 feet). The deeper sediment samples can be collected with a track-mounted Geoprobe or drill rig (0–100 feet or more).

Shovels and hand augers are inexpensive, easy to use, widely available, non-mechanical, very portable, and effective for every expected exposed sediment soil type and moisture content. A hand auger is an 8- to 14-inch-long tube, approximately 3 inches in diameter (Figure 2-1), that is manually pushed and turned into the ground.

FIGURE 2-1
Hand Auger

Samples of deeper exposed sediment can be collected using a Geoprobe, a hydraulically-powered, direct push system. A hollow rod, 2 to 4 inches in diameter and 4 to 5 feet in length, is fitted with removable plastic sleeves and pushed into the soil or sediment. Hydraulically driven, they can penetrate to depths of 100 feet or more, depending on the characteristics of the sediment/alluvium. This system can be truck- or track-mounted for increased mobility. All additional probes are then advanced inside the larger casing. This ensures that the Geoprobe is advancing through the original boring.

Submerged Surface Grab

Surface grab sampling of submerged sediment consists of collecting samples from the upper 4 to 10 inches of the sediment column. Surface sediment grab samples will be used for physical, chemical, or biological characterization. Physical and chemical analysis generally requires a small volume of sample, such as 16 ounces. For a bioassay or biological community assessment, volumes will be greater, and may be up to several gallons of sediment material.

Methods

Sampling of submerged surface sediments will be accomplished using samplers that are essentially a small version of clamshell dredges. The closing mechanisms are designed to completely close and hold the sample, as well as to prevent washout or loss of sample material during retrieval through the water column.

The main grab samplers are the Ekman, Ponar, Petersen, and Van Veen types. Grab samplers are hand-operated or power-operated. Hand-operated grab samplers are lightweight and easier to operate but are not effective for large-volume sampling or debris-laden bottoms. Power-operated samplers are an excellent means to collect surface grab samples; however, a vessel equipped with an A-frame and winch is needed. Some units are hydrodynamically designed for maintaining their position in faster-moving rivers and streams.

FIGURE 2-2
Ekman Grab Sampler

The Ekman grab sampler (Figure 2-2), available in standard, tall, and large sizes, is designed for sampling in soft-bottomed lakes and rivers that are composed of fine-grained loose soils or fine peat. As a cable lowers the sampler, two hinged upper lids swing open to let water pass through and close upon retrieval, preventing sample washout. When the sampler reaches the bottom, a messenger is sent down the line, tripping the overlapping spring-loaded scoops. The footprint of the sample collection area is dependent on the size of the grab sampler used, but typically is on the order of a square foot or less. The sampler is constructed entirely of stainless steel, including its springs, cables and fasteners. Such samplers also can be outfitted with an extension handle for operations in shallow water. These samplers are mobile, easy to operate, and can be used on smaller boats or off a dock. However, they are not effective where gravel, rock, or organic litter is prevalent because the larger material can prevent the jaws from closing, resulting in loss of the sample. Also, their penetration depth is shallow (typically less than 10 inches) and, because of their light weight, they are difficult to use where currents are strong.

The Ponar grab sampler is a commonly used and versatile sampling device for all types of firmer bottom sediment conditions such as sand, gravel, and clay (Figure 2-3). It can be used in streams, lakes, reservoirs and the ocean. This modified Van Veen type of self-tripping sampler features center-hinged jaws and a spring-loaded pin that releases when the sampler makes impact with the bottom. It also includes an underlip that seals the jaws to prevent loss of sample material. The top is covered with a stainless steel screen with neoprene rubber flaps that allow water to flow through for a controlled descent. This sampler is constructed of stainless steel with zinc- plated steel arms and weights. A simple pin prevents premature closing. The lightweight model is easy to use from a small boat with nylon line. The heavyweight models are best used with a winch.

FIGURE 2-3
Ponar Grab Sampler
Source:
http://www.rickly.com/as/bottomgrab.htm

The Ponar-style sampler comes in several sizes, with the lightweight model (1/8-inch stainless plate) easily used from a small boat with nylon cable. The heavyweight models (1/4-inch stainless plate) need to be used with a sounding reel. The footprint of the sample collection area produced with a Ponar grab sampler is dependent on the size of sampling device used, but typically is on the order of a square foot or less. Like the Ekman grab sampler, the penetration depth of the Ponar grab sampler is fairly shallow (typically less than 10 inches).

FIGURE 2-4
Petersen Grab Sampler

The Petersen grab sampler (Figure 2-4) is used in fresh water for collecting macroscopic fauna in sand, gravel, marl, clay, or clay combinations, and it has been widely used over six decades. Vent holes permit water to flow through while the grab sampler is being lowered, minimizing diagonal movement as well as reducing the frontal shock wave generated by descent. The jaws close clamshell fashion. The bayonet-style trip mechanism is designed to release only when the sampler is on the bottom and the cable is slack. This is a deliberately heavy device for biting deep into hard bottoms, and it can hold up to eight removable weights. Operation requires a winch and crane because of the working weight.

The Van Veen (Figure 2-5) is a grab sampler designed to take large quantity samples from soft bottom sediments. Its long lever arms and the sharp cutting edges on the bottom of the scoops enable it to cut deeply into the softer bottoms.

FIGURE 2-5
Van Veen Sampler

The Van Veen sampler comes in two sizes, both constructed from stainless steel. The weighted jaws, chain suspension, doors, and screens allow water flow-through during lowering to assure vertical descent where strong underwater currents exist. The large surface area and the strong closing mechanism allow the jaws to excavate relatively undisturbed sediments. When the powering cable is slowly made taut, the chains attached at the top of the release exert significant tension on the long arms extending beyond the jaws, causing them to dip deeper into the sediment and trap material as they close tightly.The stainless-steel door screens have flexible rubber flaps that are lifted during lowering. When the grab sampler settles on the bottom, the flaps fall back and cover the screens completely, preventing any loss of sediment during retrieval. The sampler captures a large, undisturbed sediment sample volume. The footprint of the sample collection area produced with a Van Veen sampler can be on the order of 2 to 3 square feet, with a penetration depth of up to 12 inches. Use of this type of larger-sized grab sampler requires a larger boat outfitted with an A-frame and a winch.

Submerged Shallow Core

Shallow sediment core samples will be collected for assessment of physical and chemical characteristics with respect to sediment depth. Collection of submerged bed sediments can be accomplished using shallow core sampling methods. A variety of shallow core sampling methods (for example, hand core samplers, gravity core samplers, vibracorers) are available to collect sediment from the upper 10 to 20 feet of the sediment column. These various shallow core sampling methods have different depth penetrations and sample retrieval capabilities. Water column depths are limited for the hand and gravity cores, but are not a limiting factor for the vibracorer. A description of these shallow core sampling methods is presented below.

Methods

Core samplers penetrate the sediment column to a greater depth than a grab sampler. The commonly used core samplers consist of a tube that penetrates the sediment by either free-falling from a sufficient height (usually 3-5 meters), or by being mechanically driven to the desired depth. Some units have a valve at the top of the sampler that can be closed by a messenger. This creates a vacuum seal, preventing the sediments from washing out upon retrieval.

A hand core sampler (Figure 2-6) is a length of rigid tube approximately 3 inches in diameter, with a handle and removable cap. The core sampler is pushed by hand into the sediment to the desired depth. If the top of the sampler is above the water surface, additional water is added to bring the water level inside the sampler up to the top. The cap is than placed on top to create a vacuum that assists in retaining the sample as it is extracted. The sampler then is pulled up and the top cap is removed to release the sample. The hand core sampler is effective for collecting composite samples and is simple to use, portable, and relatively inexpensive. This type of core sampling device must be used in shallow water A hand core sampler has a limited depth of penetration (typically less than 5 feet), and collection of discrete samples from specific depths can be difficult.

FIGURE 2-6
Hand Core Sampler

FIGURE 2-7
Vibracorer

Gravity core samplers typically are small-diameter rods (1-2 inches in diameter) with a variety of lengths. They are deployed on a cable and penetrate the sediments with only the force of gravity. Some have vanes or stabilizing fins that help guide the corer in a straight vertical drop. Some also have weights to increase the depth of penetration. They can be deployed from small- or medium-sized boats by hand or with a winch. Best performance has been found when the corer is allowed to free fall for 6 to 9 feet before encountering the sediment interface (Mudroch and MacKnight 1994; and Mudroch and Azcue 1995). Gravity corers can collect up to 6 feet of soft sediments, but are not suitable for hard or consolidated sediments (Miller and Dorkin 1994). The gravity core samplers are easy to deploy, can be used on a small boat, and are effective in collecting limited-depth composite samples. However, they are prone to plugging, do not always penetrate sediment perpendicularly, are somewhat unpredictable for volume returned, and are ineffective in consolidated media.

Vibracorers (Figure 2-7) typically are 2 to 4 inches in diameter and are one of the more reliable means to collect core samples from depths greater than 2 feet. Vibracorers have an electric or pneumatic-powered mechanical vibrator, located at the upper end of a corer device. The vibratory action causes the core tube to vibrate at a high frequency, promoting penetration of the sediment. A core tube and rigid liner of various diameters and lengths are attached to the vibrator head. The entire assembly is lowered into the water. The vibrator head is activated and the core is driven the entire depth in one continuous push. The entire core is withdrawn and the sample is removed. The vibracorer can be operated from a boat or barge with a tripod or small derrick and winch to assist in raising and lowering the coring unit. Sample lengths of up to 20 feet have been successfully collected using this method (USEPA 2001). Vibracorers are commonly used for the Puget Sound Estuary Program, the Great Lakes ARCS Program, and Dredge Materials Management Programs. Vibracorers are effective in collecting medium-depth sediment samples in most sediment types, yield good sample integrity, produce relatively undisturbed sediment samples, and are less prone to plugging than other core samplers. However, they require a medium-sized boat to deploy, the vibration can consolidate the sediment core sample, and they cannot penetrate most consolidated or coarse materials. Vibracorers can work in water depths of 1,000 feet or more and can retrieve core samples up to 40 feet in length.

Submerged Deep Core

Submerged deep core sampling consists of collection of bed sediments from depths of 5 to 50 feet or greater below the surface of the sediment. Water depths of 300 to 400 feet in Lake Roosevelt are not a limiting factor for the methods described below; however, a stable working platform (with little to no horizontal movement and controlled vertical movement) is absolutely required. Deep core samples typically are collected for physical and chemical characterization of sediment with respect to depth. Deep core samplers commonly are used for collecting a depth profile of sediments, thereby providing material for determination of vertical distribution of contaminants of concern and assessing long-term (historical) deposits. Undisturbed core samples can be collected and shipped intact to a laboratory for analysis.

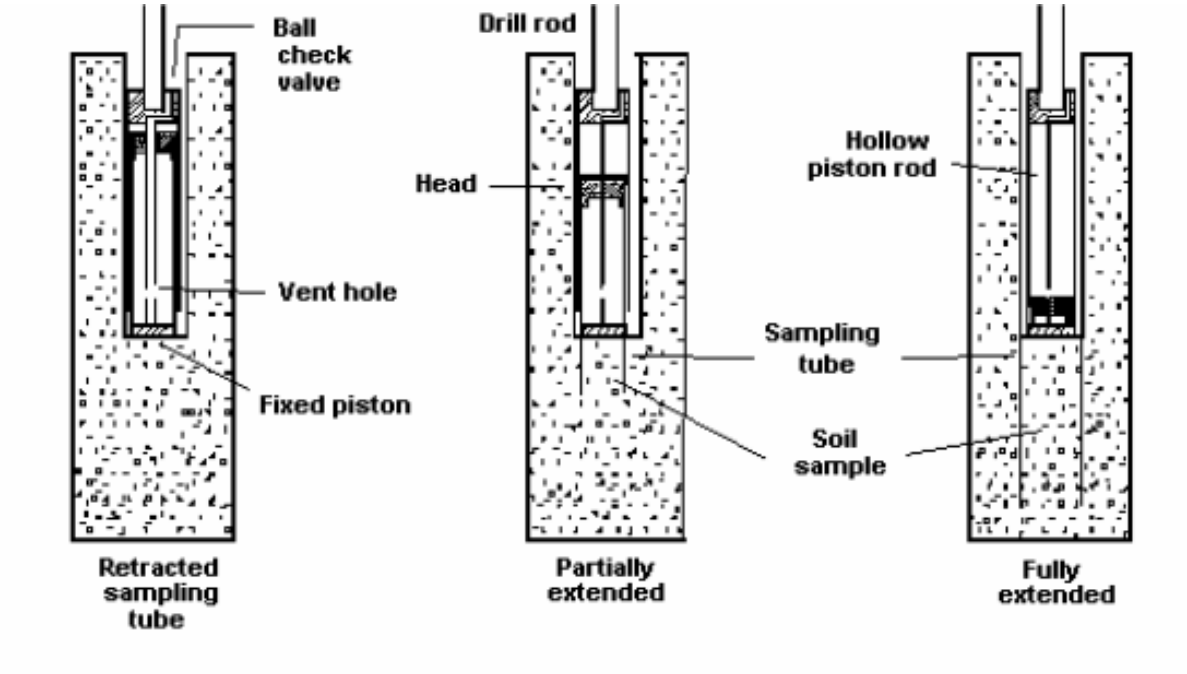
Methods

Deep core samplers can penetrate the sediment much deeper than shallow core samplers. As such, they provide a means for obtaining information on a larger portion of the sediment column, including variations in sediment deposition and composition. Two of the more effective methods used to collect deep core samples include a barge-mounted Geoprobe or a hollow stem auger rig outfitted with a piston sampler. The Geoprobe direct push system (as described previously for exposed sediment sampling) also may be used for collection of submerged sediment samples. The Geoprobe is versatile and mobile, is capable of penetrating deeper into the sediment column than a hand or gravity core sampler, and generates no soil cuttings. However, it provides a limited volume of sample recovery, is not effective in low cohesion or non-cohesive soils, and requires an experienced drilling crew.

The piston sampler is a hydraulically activated fixed-piston sampler or Osterberg Piston Sampler (Figure 2-8). The use of an Osterberg fixed piston sampler greatly improves the likelihood of capturing and retaining adequate sample recovery in very soft silts and sands below the water line. They are particularly adapted to sampling in cohesionless sands and soft wet soils. Once the drill augers reach the desired sampling depth, the Osterberg

sampler is assembled and lowered into position. The sampling tube is forced out of a pressure cylinder and into the undisturbed sediments, while the piston stays stationary on top of the sediments. This process advances the sampling tube in a single stroke while the piston ensures that no sediment falls in on top, and creates a vacuum to improve sample retention. The piston sampler increases sample volume recovery and can provide a relatively undisturbed sediment sample. However, use of a piston sampler requires a spud barge or other means of creating a stationary platform. It is relatively expensive to deploy compared to other sampling methods, and requires an experienced drilling crew.

FIGURE 2-8
Osterberg-type Piston Sampler



2.2 Sampling Site Access

Access to candidate sampling areas to collect exposed sediment can be accomplished via land or via water. If the sampling site is accessed by land, the sampling crew will either walk in or use a vehicle to drive in. Depending on road accessibility to the site, exposed sediment sampling sites can be accessed by vehicle, from a full-sized pickup truck to a smaller vehicle, such as a single-person, all-terrain vehicle. Depending on the terrain, the site may only be reached by hiking in from the nearest road. Shallow sampling (hand auger or surface grab) will be the only type of sampling available if access is gained by walking in. If a land-based vehicle is used to gain access, deeper samples can be collected with a Geoprobe or similar equipment. If the sampling site is accessed by water, the sampling crew can use a small boat for hand-operated equipment such as a shovel, hand auger, or hand core sampler (that is, for near-shore sediment samples).

Access for submerged surface grab sediment sampling will be accomplished using a boat or sampling barge (Figure 2-9). The required size of the sampling vessel will be determined by the size of the sampling unit. A powered grab sampler will require a larger boat or a barge with an electric or hand crank winch. A hand-operated sampler will require only a small runabout boat or skiff (minimum 17 feet long).

A variety of barges, skiffs, and marine floating platforms can be used for supporting large sampling equipment. A sampling barge may be self-propelled or require a tug or work boat to be moved. Submerged surface grab samplers are operated with a cable or line. As such, the sampling vessel does not require fixed-based anchorage and can have some limited movement during deployment, collection, and retrieval. Depending on the river or lake conditions and the vessel operator, grab sampling may be performed without the need to drop anchor. If an anchor is required, a bottom anchor tied off at the bow likely will be sufficient for smaller boats. A two-point anchor system may be required for a sampling barge. For relatively shallow conditions (for example, 5- to 25-foot water depth), a spud barge may be used. The spuds provide a fixed-based anchor system. Longer spuds are available for larger barges. Spuds consist of metal rods about 2 to 6 inches in diameter, driven several feet into the sediment.

Submerged shallow cores require the use of a medium-sized boat (approximately 21 feet or greater), having an A-frame and winch, or a sampling barge. Submerged shallow-core samplers are operated using a cable; thus, the sampling vessel does not require absolute fixed-based anchorage. That is, the sample vessel can have some movement during deployment, collection, and retrieval. Operation of a heavy vibracorer requires use of a large vessel to maintain balance and provide adequate lift to pull the corer out of the sediment for retrieval of the sample. A two-point to four-point anchor system typically is required for the sampling vessel. For relatively shallow conditions (for example, 5- to 25-foot water depth), a spud barge may be used.

FIGURE 2-9
Drill Rig on Spud Barge

Submerged deep coring requires a large-sized vessel that is capable of safely supporting a truck-mounted drill rig. The drill rig is driven onto a barge or floating platform and tied off or chained to the deck. Drill rigs operate through a hole in the barge or floating platform. Some samples may not be attainable simply because of the lack of accessibility to the larger vessel. The sampling vessel likely will be a barge that is not self-propelled and will require a tug or work boat to be moved. Deep coring requires that the sampling vessel be anchored and horizontally fixed. This likely will require a four-point anchor system with upland deadheads and winches to compensate for short-term variations in reservoir water levels. Spuds also can be used for an anchor system. Because of the difficulty of stabilizing the working platform to achieve little to no horizontal movement and controlled vertical movement with the water level, deep coring

is reserved only for a skilled and experienced operating crew. Deep core sampling is not anticipated for the upcoming Phase I data collection activities in the spring of 2005.

2.2.1 Potential Impacts and/or Ground Disturbance from Sampling Activities

Impacts from Site Access

Potential impacts or ground disturbances from site access will vary depending on the type of sampling, type of equipment used, anchoring system, and whether the site is accessed via land or water. In all instances, efforts will be made in planning and coordination, and through careful oversight to minimize the magnitude of access-related disturbances.

Exposed sediment can be accessed from either land or water. If the sampling site is accessed by land and the sampling crew walks in, ground disturbances will be minimal. If access to the sampling site requires the use of a four-wheel vehicle, shallow ground disturbance could result along the access and egress routes. If the sampling site is accessed by water and the sampling crew uses hand-operated equipment such as a shovel or hand auger, ground disturbance will be minimal. Localized ground disturbance could occur where a landing barge is used to gain access to a land-based sampling site, and drilling equipment is mobilized on shore. The landing barge may require anchoring using upland deadheads or spuds. As noted above, a deep near-shore drilling program currently is not a part of the proposed Phase I sediment collection activities planned for 2005.

Where submerged sediment samples are collected using grab samplers and/or shallow core samplers, the sampling work will involve over-water sampling techniques that should not result in access-related impacts or ground disturbances. Sample collection from a floating platform, whether a small boat or a large barge, could result in limited impacts/disturbance to the river bottom caused by an anchor system. For submerged surface grabs, no anchoring system may be required and, therefore, no associated impacts to the shallow bottom sediments (other than the immediate sample collection area) should occur. If one or more anchors are required to stabilize the boat or barge to facilitate sample collection activities, then a limited disturbance will occur where the anchor lodges in the bottom sediment. The area of disturbance will be greater in situations where the anchor happens to drag along the bottom during placement or pick-up.

Stabilization of large sampling vessels may require the placement of deadheads along the bank or near-shore area, involving deep placement using a backhoe or trackhoe. If a barge is used that requires stabilization with spuds (that is, temporary pilings that are pushed or driven into the underlying sediment), the impacted area would include an approximate 2-foot-diameter area of the river bottom per spud. Spud penetration could be 3 to 5 feet, depending on the characteristics of the sediment and river current conditions. Where available, an existing piling or dolphin would be used to secure the sampling vessel.

Impacts from Sampling

Potential impacts related to sample collection will be limited to a relatively small footprint in the immediate area where the sampling equipment penetrates or contacts the sediment interface. The size of the disturbance area caused by the various sampling methods and sampling devices will differ, depending on the method employed. For exposed sediment, ground disturbances from hand-operated equipment will be minimal. The area of

disturbance will be limited to the sample collection area and a small area around it that may be disturbed by the field crew. Surface grab samplers and coring devices that are used to collect samples of submerged shallow sediment will have an associated disturbance area that typically is on the order of 1 square foot or less.

Disturbances caused by a Geoprobe-mounted sampling rig will be greater than those associated with hand-operated equipment, but limited to the immediate push-hole area and the area around the sampling vehicle. Hydraulic jacks typically are used to secure a drilling rig or larger sampling vehicle when drilling operations are being conducted. At present, neither a Geoprobe nor a truck-mounted auger rig are likely to be needed to support the Phase I sediment sampling activities.

The anticipated depth of impact associated with various sampling methods is as follows:

- Exposed Sediment
  - Hand trowels – 0 to 8 inches
  - Shovels – up to 2 feet
  - Hand Auger – up to 5 feet
- Submerged Sediment
  - Surface grab samplers – 4 to 12 inches
  - Hand core samplers/gravity core samplers – 1 to 5 feet
  - Vibracorer samplers – 5 to 10 feet
  - Geoprobe or truck-mounted auger rig – up to 50 feet

A summary of various sampling methods is presented in Table 2-2.

TABLE 2
Summary of Sampling Methods
Upper Columbia River Cultural Resources Coordination Plan

	Surface	Shallow	Deep	Exposed sediment	Advantages	Disadvantages	Implementation	Footprint of impact
Scoop, Spoon, Shovel				x	Simple to use, inexpensive, mobile	Disturbed sample, limited depth	very easy	small to moderate
Ekman	X				Mobile, small boat deployment	Shallow penetration, still-slow water only, no gravel	easy-moderate	small
Van Veen	X				Large undisturbed sample	Difficult in gravel	moderate	small
Ponar	X				More effective in firmer sediments	Ineffective in large, granular sediment	easy-moderate	small
Hand Auger		x		x	Mobile, inexpensive	Disturbed sample, limited depth	easy	small
Gravity Core	X	x			Effective in soft sediments	Prone to rodding, variable return	moderate	small to moderate
Vibracorer	X	x			Good sample integrity, less prone to rodding	Can consolidate sample, cannot penetrate consolidated materials	moderate to difficult	moderate
Geoprobe	X	x	x	x	Versatile, deep penetration	Fails to capture non-cohesive soils; requires experienced crew to operate	difficult	moderate
Piston Samplers	X	x	x	x	Unlimited depth, can sample wide variety of materials	Requires experienced professional crew, large vessel required	difficult	moderate to large

SECTION 3

Area of Potential Effects

The area of potential effects (APE) for this project consists of the sample points illustrated in Exhibits 1-10 (at the end of this document). Each of these figures graphically illustrates the locations of transect samples, bioassay samples, core samples, beach samples, and tributary samples. The APE also consists of the immediate staging and equipment laydown area needed to secure the various samples using the methods described in Section 2.0 of this CRCP. There is also the potential that there could be near-surface impacts if pickup trucks and all-terrain vehicles are required to access sample locations in the drawdown zone.

SECTION 4

Regulatory Framework

Although all efforts will be made to avoid archaeological materials, the State Historic Preservation Office (SHPO) and Tribal Historic Preservation Officers (THPOs) have determined that in the interest of long-term site management and in consideration of the health and safety of archaeological field crews, sampling will occur at a limited number of archaeological sites. All sensitive sites are to be avoided and a joint working group of concerned parties will review and approve all sample locations. Archaeological monitors will be present to assist sampling teams in identifying and avoiding any sensitive materials and archaeological objects.

4.1 Federal Regulatory Framework

A large body of federal legislation, regulations, and executive directives outlines the responsibilities of federal agencies for the preservation of cultural resources and provides procedural guidelines for the management of federally owned or controlled properties to include any projects that are partially funded or require federal permits. Among the federal laws of primary importance to this project are the National Historic Preservation Office (NHPA), National Environmental Policy Act (NEPA), Archaeological Resources Protection Act (ARPA), and the Native American Graves Protection and Repatriation Act (NAGPRA). The following text outlines USEPA's legal responsibilities for the identification, evaluation, and treatment of historic properties that might be affected by the cleanup. Other relevant legislation, regulations, and directives are discussed below.

4.1.1 Antiquities Act of 1906 (34 Stat 225; 16 USC 432, 433)

The Antiquities Act was the first federal law to provide protection for historic and prehistoric ruins and monuments and objects of antiquity on federal lands. It authorized the President to establish national monuments to protect historic and prehistoric structures and objects of historic or scientific interest. It also established a system to permit examination and excavation by qualified researchers to increase knowledge and collect antiquities for permanent preservation in public museums. Penalties were established for unauthorized excavation and collection. Implementing regulations are codified at 43 CFR Part 3.

4.1.2 National Historic Preservation Act of 1966 (80 Stat 915; 16 USC 470)

The NHPA, as amended on several occasions, is the cornerstone of the current federal cultural resource preservation program. The NHPA expanded the Historic Sites Act policy of protecting resources of national significance to encompass resources of state and local significance as well, thus providing the basis for an expanded National Register. The NHPA also established the Advisory Council on Historic Preservation (ACHP), the network of SHPOs, and a preservation grants program to assist the SHPOs.

Section 110 of the Act directs federal agencies to inventory cultural resources, nominate significant properties to the National Register, and work to protect and preserve important

cultural resources. Section 106 directs federal agencies to take into account effects of their undertakings on National Register listed or eligible properties. Implementing regulations issued by the Advisory Council on Historic Preservation, *Protection of Historic Properties*, are codified at 36 CFR Part 800. These regulations define the key procedures for the federal historic preservation program. The steps in the Section 106 consultation process include:

- Deciding whether a proposed action has the potential to affect historic properties (properties listed on or determined eligible for National Register listing). If it does not, it is not an undertaking and no further compliance is required
- Identifying a proposed undertaking's area of potential effect and evaluating cultural resources (with regard to their eligibility for National Register listing) that may be affected by the undertaking
- Assessing the potential effects of the undertaking on historic properties
- Consulting with the SHPO, ACHP, and other appropriate concerned parties to determine ways to avoid or reduce any adverse impacts if such are identified
- If necessary, providing the ACHP a reasonable opportunity to comment on the proposed undertaking and effects on historic properties
- Proceeding with the undertaking under the terms of a Memorandum of Agreement (MOA) or a programmatic agreement, or in consideration of ACHP comments if required

The NHPA was amended most recently in 2000. Among the provisions of these amendments are Sections 101(d)(6) and 101(d)(6)(B), specifying that "properties of traditional religious and cultural importance to an Indian tribe may be determined to be eligible for inclusion on the National Register," and directing federal agencies when carrying out their responsibilities under Section 106 of the Act to "consult with any Indian tribe that attaches religious and cultural significance to properties" that may be affected by federal undertakings.

Section 106 – 16 U. S. Code [U.S.C.]. 470f — Advisory Council on Historic Preservation, comment on Federal Undertakings. The chief management implication for Section 106 compliance pertains to providing the ACHP a reasonable opportunity to comment on an undertaking.

4.1.3 National Environmental Policy Act of 1969 (83 Stat 852; 42 USC 4321)

NEPA establishes national policy for protection and enhancement of the environment. In addition to natural resources, NEPA specifically stipulates that federal agencies should work to preserve historic and cultural aspects of our national heritage. Implementing regulations issued by the Council on Environmental Quality are codified at 40 CFR 1500-1508, and the Air Force has published counterpart regulations at 32 CFR Part 989. These regulations encourage combining NEPA compliance with other regulatory requirements, such as those of the NHPA.

4.1.4 Archaeological Resources Protection Act of 1979 (93 Stat 721; 16 USC 470aa)

ARPA strengthened protection of archaeological resources by increasing the penalties for unauthorized excavation, collection, or damage, from misdemeanors defined by the Antiquities Act to felonies with fines up to $10,000 and one year of imprisonment for first offenses. Trafficking in archaeological resources derived from public and tribal lands also is prohibited by ARPA. ARPA also specifically requires notification of affected Indian tribes if archaeological investigations proposed in a permit application would result in harm to or destruction of any location considered by tribes to have religious or cultural importance. When archaeological investigations are performed under contract to an installation or facility where they are located, a permit is not required.

4.1.5 Archaeological and Historic Preservation Act of 1974 (74 Stat 220, 221, 88 Stat 174; 6 USC 469)

The Archaeological and Historic Preservation Act (AHPA), promulgated as an amendment of the Reservoir Salvage Act of 1960, provides for the preservation of archaeological and historical information that might otherwise be lost as a result of federal construction projects and other federally licensed activities and programs. This Act stipulates that up to one percent of the funding appropriated by Congress for federal undertakings can be spent to recover, preserve, and protect archaeological and historical data. A subsequent amendment authorized the one percent limit to be administratively exceeded under certain circumstances.

4.1.6 Native American Graves Protection and Repatriation Act of 1990 (25 SC 001)

NAGPRA protects human remains of indigenous peoples and associated funerary objects, sacred objects, and items of cultural patrimony on federal lands, and provides for repatriation of such remains and items previously collected from federal lands to culturally affiliated groups. There are advantages to negotiating NAGPRA agreements with tribes or groups prior to initiating projects that are likely to encounter NAGPRA remains and objects. Implementing regulations are codified at 43 CFR Part 10.

4.1.7 American Indian Religious Freedom Act of 1978 (92 Stat 469; 424 USC 1996)

The American Indian Religious Freedom Act (AIRFA) reiterates First Amendment guarantees of religious freedom with specific reference to the inherent right of indigenous peoples to believe, express, and exercise their traditional religions, including but not limited to access to religious sites, use and possession of sacred objects, and freedom to worship through ceremonial and traditional rites. Federal agencies are directed to evaluate their policies and procedures to determine if changes are needed to ensure that such rights and freedoms are not disrupted by agency practices. The Act is not implemented by regulations, but a U.S. Court of Appeals determined that there is a compliance element in the Act, requiring that views of Indian leaders be obtained and considered when a proposed land use might conflict with traditional Indian religious beliefs or practices. (For additional

consideration of Native American issues, refer to discussions below concerning ARPA, NAGPRA, Executive Memorandum of 1994, and Executive Orders 13007 and 13084.)

4.1.8 Historic Sites Act of 1935 (49 Stat 666; 16 USC 461)

The Historic Sites Act declared a national policy to identify and preserve historic sites, buildings, objects and antiquities of national significance. The law authorized the Secretary of the Interior to conduct surveys, collect and preserve data, and acquire historic and archaeological sites. The Historic American Building Survey/Historic American Engineering Record (HABS/HAER) stem from this act, as well as the National Park Service (NPS) program of designating National Historic Landmarks. Implementing regulations are codified at 36 CFR Part 65.

4.1.9 Curation of Federally Owned and Administered Archaeological Collections

Preservation and maintenance guidelines for collections of prehistoric and historic material remains and records recovered from federal or federally assisted programs that are in the care of the federal government are set forth in *Curation of Federally Owned and Administered Archaeological Collections* (36 CFR Part 79). The NPS has established definitions, standards, procedures and guidelines to be followed by federal agencies in preserving prehistoric and historic remains.

4.1.10 Executive Order 11593 (1971)

Executive Order 11593 directs federal agencies to conduct inventories in order to locate properties under their control that meet the criteria for listing on the National Register, and to nominate those properties for inclusion. The executive order further directs federal agencies to ensure that cultural resources are not inadvertently damaged, destroyed, or transferred prior to the completion of inventories and evaluation for National Register eligibility.

4.1.11 Executive Order 13007 (1996)

On May 24, 1996, President Clinton signed Executive Order 13007 concerning Indian sacred sites. To protect and preserve Indian religious practices, the executive order states that federal land managers must accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and avoid adversely affecting the physical integrity of sacred sites. "Sacred site" is defined in the executive order to mean "any specific, discrete, narrowly defined delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site."

4.1.12 Executive Order 13084 (1998)

This executive order deals largely with monetary policies regarding non-funded mandates that may affect tribal governments and the issuance of waivers to offset such unintended burdens. However, the order also supplements Executive Order 13007 described above in

requiring federal agencies to establish procedures for regular and meaningful consultation with federally recognized tribal governments in the development of regulatory practices that might affect their communities.

4.1.13 Presidential Memorandum, 29 April 1994: Distribution of Eagle Feathers for Native American Religious Purposes

The Presidential Memorandum of 29 April 1994 stipulates that salvageable eagle carcasses and eagle feathers located on federal lands may be collected for those Native American entities that are engaged in religious activities and are federally recognized tribes eligible to receive services from the Bureau of Indian Affairs listed under 25 U.S.C. § 479a-1. Collected salvageable carcasses and feathers for Native American religious purposes should be shipped to the U.S. Fish and Wildlife Service, Forensic Laboratory.

Regulation 50 CFR § 22.22 allows permits to be issued for the possession, taking, and transportation of lawfully acquired golden eagles or bald eagles or their parts, nests, or eggs for religious use by federally recognized Native American tribal entities. The Secretary may grant or deny the permit based on several criteria, among which are the effect that taking live eagles would have on the wild populations of the birds and whether the applicant is authorized to participate in bona fide tribal religious ceremonies.

4.1.14 Presidential Memorandum, 29 April 1994: Government-to-Government Relations with Native American Tribal Governments

This executive memorandum addressed government-to-government relations with Native American tribal governments. To ensure that the rights of sovereign tribal governments are fully respected, the memorandum set forth guidelines requiring federal agencies to:

- Operate within a government-to-government relationship with federally recognized tribal governments
- Consult with tribal governments prior to taking actions that affect those governments
- Assess the impact of federal plans, projects, and activities on tribal trust resources and assure tribal government rights and concerns are considered during the development of such plans, programs, and activities
- Take appropriate steps to remove procedural impediments to working directly and effectively with tribal governments on activities that affect trust properties or tribal governmental rights
- Work cooperatively with other federal departments and agencies to enlist their interest and support in cooperative efforts, where appropriate, to accomplish the goals of the memorandum
- Design solutions and tailor federal programs, in appropriate circumstances, to address specific or unique needs of tribal communities

As with other federal mandates and guidelines that address Native American issues, this executive memorandum would pertain to this project only if Native American concerns relative to properties or areas within the sampling locations were to be expressed.

4.2 Colville Tribal Regulatory Framework

As land owners and land managers in the upper Columbia River project area, the Confederated Tribes of the Colville Reservation (CCT) have differing rights, duties, and responsibilities in different areas of the project. Under federal cultural resource laws and mandates and as management partners in the Lake Roosevelt National Recreation Area, the CCT has two opportunities to participate in cultural resource management. On tribal lands the CCT reserves all sovereign rights and interests. On non-tribal lands, we participate as defined through laws and agreements.

The CCT recognizes policy level, government-to-government relations, and management level relations. The ruling body of the CCT is the Colville Business Council. By policy resolution, the day-to-day regulatory framework for USEPA's undertaking will be managed by the THPO.

Under CCT Resolution 1996-29, the Colville Business Council authorized the THPO position. The resolution designates the History/Archaeology Program Manager as THPO. The Colville Business Council identified the role of the THPO in on-reservation and off-reservation undertakings and reaffirmed the History/Archaeology Program as the entity for cultural resources management for the CCT. In 1996, the CCT also entered into an agreement with the U.S. Department of the Interior's NPS to assume historic preservation officer responsibilities pursuant to the NHPA. The assumption agreement explicitly tasks the THPO to advise and assist federal and state agencies and local governments in carrying out their historic preservation responsibilities, and for the CCT to carry out their responsibilities for review of federal undertakings in regard to cultural resources matters.

Similarly, resolution authority identifies the THPO and History/Archaeology Program as the CCT agent for NAGPRA-related issues, and is so identified on the NPS/National NAGPRA Native American Consultation Database.

4.3 Spokane Tribal Regulatory Framework

This section of the CRCP may be appended at a later date upon receipt of pertinent information regarding the Spokane Tribe of Indians (STI) regulatory framework.

SECTION 5

Consultation

The following parties have been identified by USEPA as interested parties to the RI/FS undertaking per the requirements of Section 106 of the NHPA:

- The Confederated Tribes of the Colville Reservation (land managers for the CCT Reservation, including portions adjacent to the Lake Roosevelt shoreline)
- The Bureau of Reclamation (holder in fee title to Lake Roosevelt shoreline lands, operators of Grand Coulee Dam and Lake Roosevelt)
- The National Park Service (land managers for the National Recreation Area, including all shoreline areas outside of reservations)
- The Spokane Tribe of Indians (land managers for the STI Reservation, including portions adjacent to the Lake Roosevelt shoreline)
- The Washington Office of Archaeology and Historic Preservation (SHPO)

Their individual consultation protocols are described below.

5.1 Confederated Tribes of the Colville Reservation - Consultation Protocols

The consultation protocols of the CCT will be summarized here once they are made available. The consultation protocols will be followed or as instructed by Colville authorized representatives.

5.2 Spokane Tribe - Consultation Protocols

The STI provided the following information on its consultation protocols (Randy Abrahamson/Spokane THPO, personal communication to Monica Tonel/USEPA-10 Environmental Cleanup Office, Seattle):

> Consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. An agency consults with knowledgeable and concerned parties outside the agency about its historic preservation related activities (NHPA Section 110(a)(2)(D) and (E)Iii). Consultation is built upon an exchange of ideas,
>
> - Make its interests and constraints clear at the beginning
> - Make clear any rules, processes, or schedules applicable to the consultation
> - Acknowledge other's interests and seek to understand them
> - Develop and consider a full range of options

- Try to identify solution that will leave all parties satisfied

There should be no hard and fast time limits on consultation. Consultation should proceed until agreement is reached. Consultation with a tribe should be conducted in a sensitive manner respectful of tribal sovereignty, and the federal agency must recognize the Government-Government relationship between the federal government and the tribe. Nothing in this part is intended to alter, amend, repeal, interpret, or modify tribal sovereignty, any treaty rights, or other rights of an Indian Tribe.

5.3 Federal Agencies - Consultation Guidelines

Executive Order 13175 - Consultation and Coordination with Indian Tribal Governments, published in the Federal Register on November 9, 2000 (FR 65(218):67249-67252) governs how federal agencies consult and coordinate with Indian Tribal Governments.

Section 1. Definitions. For purposes of this order:

(a) ``Policies that have tribal implications'' refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

(b) ``Indian tribe'' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(c) ``Agency'' means any authority of the United States that is an ``agency'' under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5). (d) ``Tribal officials'' means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.

Section 2. Fundamental Principles. In formulating or implementing policies that have tribal implications, agencies shall be guided by the following fundamental principles:

(a) The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes.

(b) Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.

(c) The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination.

Sec. 3. Policymaking Criteria. In addition to adhering to the fundamental principles set forth in section 2, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have tribal implications:

(a) Agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.

(b) With respect to Federal statutes and regulations administered by Indian tribal governments, the Federal Government shall grant Indian tribal governments the maximum administrative discretion possible.

(c) When undertaking to formulate and implement policies that have tribal implications, agencies shall:

(1) encourage Indian tribes to develop their own policies to achieve program objectives;

(2) where possible, defer to Indian tribes to establish standards; and

(3) in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

Sec. 4. Special Requirements for Legislative Proposals.

Agencies shall not submit to the Congress legislation that would be inconsistent with the policymaking criteria in Section 3.

Sec. 5. Consultation.

(a) Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Within 30 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order. Within 60 days of the effective date of this order, the designated official shall submit to the Office of Management and Budget (OMB) a description of the agency's consultation process.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless:

(1) funds necessary to pay the direct costs incurred by the Indian tribal government or the tribe in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) consulted with tribal officials early in the process of developing the proposed regulation;

(B) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(C) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(c) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications and that preempts tribal law unless the agency, prior to the formal promulgation of the regulation,

(1) consulted with tribal officials early in the process of developing the proposed regulation;

(2) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(3) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(d) On issues relating to tribal self-government, tribal trust resources, or Indian tribal treaty and other rights, each agency should explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

Sec. 6. Increasing Flexibility for Indian Tribal Waivers.

(a) Agencies shall review the processes under which Indian tribes apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by an Indian tribe for a waiver of statutory or regulatory requirements in connection with any program administered by the agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency, or as otherwise provided by law or regulation. If the application for waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefore.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 7. Accountability.

(a) In transmitting any draft final regulation that has tribal implications to OMB pursuant to Executive Order 12866 of September 30, 1993, each agency shall include a certification from the official designated to ensure compliance with this order stating that the requirements of this order have been met in a meaningful and timely manner.

(b) In transmitting proposed legislation that has tribal implications to OMB, each agency shall include a certification from the official designated to ensure compliance with this order that all relevant requirements of this order have been met.

(c) Within 180 days after the effective date of this order the Director of OMB and the Assistant to the President for Intergovernmental Affairs shall confer with tribal officials to ensure that this order is being properly and effectively implemented.

Sec. 8. Independent Agencies. Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 9. General Provisions.

(a) This order shall supplement but not supersede the requirements contained in Executive Order 12866 (Regulatory Planning and Review), Executive Order 12988 (Civil Justice Reform), OMB

Circular A-19, and the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments.

(b) This order shall complement the consultation and waiver provisions in sections 6 and 7 of Executive Order 13132 (Federalism).

(c) Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) is revoked at the time this order takes effect.

(d) This order shall be effective 60 days after the date of this order.

Sec. 10. Judicial Review.

This order is intended only to improve the internal management of the executive branch, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the United States, its agencies, or any person.

5.3.1 U.S. Environmental Protection Agency

As a federal agency, the USEPA follows Executive Order 13175 - Consultation and Coordination with Indian Tribal Governments as it consults and coordinates with Indian Tribal Governments. In addition, state agencies, tribes, and some local governments have unique roles regarding USEPA's programs and decisions. As outlined in USEPA's Public Involvement Policy (2003:4-5):

1. State agencies, tribes and some local governments may be co-regulators with USEPA. In some cases, they implement authorized, approved, or delegated federal programs. In other cases, they run independent but closely-related programs. In both cases they work closely with USEPA as regulatory partners, and USEPA will consult them as appropriate when implementing this policy. In addition, they may have expertise that can be valuable to USEPA in designing public involvement activities.

2. State agencies, tribes, and local governments also may be regulated parties when they undertake activities that are subject to federal laws and regulations. As regulated parties, they are also members of the community of regulated stakeholders, and would benefit from the application of the policy like other regulated parties.

3. Whether they are partners helping USEPA implement a program, or members of the regulated community affected by USEPA regulations, state agencies, tribes, and regional and local governments often play an active role in making recommendations on policies, rules, plans and recommendations under development, and providing input on USEPA's decisions.

The role of tribes is unique in another way. Each federally-recognized tribal government is a sovereign entity that has an individual government-to-government relationship with the federal government. USEPA should coordinate and consult meaningfully with tribes to the greatest extent practicable for agency actions that may affect the tribes. This policy complements USEPA's efforts to consult with tribes. (*See* Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, November 6, 2000).

Consultation should be a meaningful and timely two-way exchange with Tribal officials that provides for the open sharing of information, the full expression of Tribal and USEPA views, a commitment to consider Tribal views in decision-making, and respect of Tribal self-government and sovereignty. The Agency should allow comment from tribes early in the planning process and prior to making a decision. However, consultation does not imply that the tribes or any other non-USEPA entities that are consulted can stop an Agency action by withholding consent.

5.3.2 Bureau of Reclamation

As a federal agency, the Bureau of Reclamation (Reclamation) follows Executive Order 13175 - Consultation and Coordination with Indian Tribal Governments as they consult and coordinate with Indian Tribal Governments. In addition, Reclamation's coordination and consultation with interested parties is governed by Directives and Standards LND 02-01 found in the Reclamation Manual.

(1) **Public Involvement** responsibilities for Reclamation actions that could affect individuals or groups are outlined in Reclamation Policy and Directives, CMP 03. The Public Involvement Directives (see Related Directives Table included therein) reference the cultural resources requirements for consultation/coordination with interested parties under NHPA and NEPA.

(2) **Consultation Under Section 106 of NHPA.** Consulting parties are the primary participants in the Section 106 process and include Reclamation, the SHPO, and, in some cases, the Council. Coordination with other agencies, entities, and individuals having responsibilities for or interest in cultural resources is also required, as appropriate, in the planning and execution of Reclamation activities.

(3) **Consultation with Native Americans.** Section 101(d)(2) and Section 106 of NHPA, NAGPRA, ARPA, NEPA, the AIRFA, and Executive Order 13007 require Reclamation to consult with Native Americans on complex and culturally sensitive issues (see Reclamation Manual's Native American Directives, NIA-01).

> (a) Reclamation will consult with appropriate Native American tribes or tribal entities to determine if sites or locations related to their beliefs, expressions, or exercise of traditional cultural practices are present on Reclamation lands.
>
> (b) When a Reclamation activity affects Indian lands, Reclamation will invite the governing body of the appropriate tribe(s) to be a consulting party in the Section 106 process and be a signatory to any Section 106 agreement. Reclamation also may invite the appropriate tribe(s) to participate as an interested or consulting party when an undertaking would affect cultural resources of value to that tribe(s) which are on non-Indian lands.
>
> (c) When a Reclamation activity affects Indian lands and a Tribal Historic Preservation Program exists, Reclamation will consult with the Tribal Preservation Official in accordance with an established Tribal Preservation Plan.
>
> (d) Reclamation will consult with appropriate Indian tribe(s) when there are planned excavations and removal of cultural items on Reclamation lands. Where the excavations are on tribal lands, tribal consent is required. In both instances noted above, proof of consultation or consent is required (see 43 CFR Part 10).

5.3.3 National Park Service

In addition to Executive Order 13175, the NPS has certain Management Policies Pertaining to Native Americans (Bevitt 2003), and is provided as Appendix B. The following section is excerpted from the National Park Service Management Policies 2001 (Policy 5.2.1 Consultation).

The NPS is committed to the open and meaningful exchange of knowledge and ideas to enhance (1) the public's understanding of park resources and values, and the policies and plans that affect them; and (2) the NPS's ability to plan and manage the parks by learning from others. Open exchange requires that the NPS seek and employ ways to reach out to, and consult with, all those who have an interest in the parks.

Each park superintendent will consult with outside parties having an interest in the park's cultural resources or in proposed NPS actions that might affect those resources, and provide them with opportunities to learn about, and comment on, those resources and planned actions. Consultation may be formal, as when it is required pursuant to NAGPRA or Section 106 of the NHPA, or it may be informal when there is not a specific statutory requirement. Consultation will be initiated, as appropriate, with tribal, state, and local governments; state and tribal historic preservation officers; the ACHP; other interested federal agencies; traditionally associated peoples; present- day park neighbors; and other interested groups.

Consultations on proposed NPS actions will take place as soon as practical, and in an appropriate forum that ensures, to the maximum extent possible, effective communication and the identification of mutually acceptable alternatives. The NPS will establish and maintain continuing relationships with outside parties to facilitate future collaboration, formal consultations, and the ongoing informal exchange of views and information on cultural resource matters.

Because national parks embody resources and values of interest to a national audience, efforts to reach out and consult must be national in scope. But the NPS will be especially mindful of consulting with traditionally associated peoples—those whose cultural systems or ways of life have an association with park resources and values that pre-dates establishment of the park. Traditionally associated peoples may include park neighbors, traditional residents, and former residents who remain attached to the park area despite having relocated. Examples of traditionally associated peoples include American Indians in the contiguous 48 states, Alaska Natives, African Americans at Jean Lafitte, Asian Americans at Manzanar, and Hispanic Americans at Tumacocori.

In particular, it is essential to consult traditionally associated peoples about:

- Proposed research on, and stewardship of, cultural and natural resources with ethnographic meaning for the groups
- Development of park planning and interpretive documents that may affect resources traditionally associated with the groups;
- Proposed research that entails collaborative study of the groups;
- Identification, treatment, use, and determination of affiliation of objects subject to NAGPRA

- Repatriation of Native American cultural items or human remains based on requests by affiliated groups in accordance with NAGPRA
- Planned excavations and proposed responses to inadvertent discoveries of cultural resources that may be culturally affiliated with the groups
- Other proposed NPS actions that may affect the treatment and use of, and access to, cultural and natural resources with known or potential cultural meaning for the groups
- Designation of National Register, national historic landmark, and world heritage sites

Consultation with federally recognized American Indian tribes will be on a government- to-government basis. The Service will notify appropriate tribal authorities (such as THPOs) about proposed actions when first conceived, and by subsequently consulting their appointed representatives whenever proposed actions may affect tribal interests, practices, and traditional resources (such as places of religious value).

When engaging in the consultation process, group meetings may be held only for the purpose of exchanging views and information, and to solicit individual advice on proposed NPS actions. NPS may not hold meetings to obtain consensus advice from a group unless the group is chartered pursuant to the Federal Advisory Committee Act (FACA). FACA does not apply to inter-governmental meetings held exclusively between NPS officials and elected officers of tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities, when the meetings relate to intergovernmental responsibilities or administration.

5.4 State of Washington

The following are the Washington State/Tribal Government-to-Government Implementation Guidelines - Section II - Consultation Process. As stated, *the purpose of this section is to provide principles and a practical set of tools for tribes and state agencies in implementing the government-to-government relationship. This section addresses how to conduct consultation, what critical elements should be considered in the consultation process and a check list of key components.*

A. Guiding Principles of the Consultation Process

The Centennial Accord (signed in 1989) and the New Millennium Agreement (signed in 1999) establish the basic framework and provide the general foundation for tribal/state relations. However, at the 1999 Tribal/State Summit held in Leavenworth, Washington, tribal and state elected officials agreed that a well-delineated communication process was needed in order to provide for a structure to "operationalize" the Accord into a day-to-day working relationship. In order to promote successful consultation and collaboration between tribal governments and the state, the following guiding principles should be followed:

- **Commitment to Consultation**. The state and tribes, and their agencies and departments, commit to consulting with each other on matters that directly affect the other.
- **Communication and consultation is a two-way street**. Communication between tribal governments and state agencies should be direct and involve two-way dialogue and

feedback. Face-to-face meetings between the appropriate tribal and state policy and/or technical level staff can increase understandings of any proposed actions and enhance the development of effective outcomes and solutions. While face-to-face meetings are generally desirable, phone calls, correspondence and other methods of communication should also be utilized.

- **Build upon already established and on-going relationships between tribal/state officials**. Formation of specific actions, policy and program development can be more productive if conducted within the framework of an on-going relationship. Additionally, since consultation may demand significant use of time and resources of many individuals, this on-going relationship will assist in best utilizing these resources for all parties.

- **State governments are assuming greater responsibility under the federal government's policy of increased "devolution" of programs.** "Devolution" is the delegation of authorities or duties to a different level of government. Before the delegation of these programs, the tribes worked directly with the federal administrators on issues of concerns to them. The tribes have continuing interests in many of these delegated programs, and the tribal interests should be considered in the administration of these programs by the state.

- **Issues that require consultation should be identified as soon as possible in order to involve both parties early on in the process.** The need for consultation and who makes the determination may be difficult to define in all cases and will vary among the governments. Consultation can be initiated by either a tribal government or state agency. As a general rule, any decision or action which would directly impact or involve tribal governments, its land base and/or operation of its programs requires consultation with those tribal governments. To ensure sufficient time for input before decisions are made and actions taken, requires early involvement of all parties affected by those actions.

- **State/tribes should make every effort to respond to and participate in the consultation process.** State/tribal governments should strive to ensure that appropriate communication and response is provided to any request for consultation. If there is no response to an initial request to engage in consultation, it should not be assumed that the state or tribes have no interest in participating in this process. State/Tribal governments and organizational structures will vary. Good faith efforts should be undertaken to involve affected governments.

- **Parties should ensure that consultation occur through the interaction of officials with comparable governmental stature and authority.** In order to maintain the government-to-government relationship, tribes and state agencies are encouraged to send policy officials to represent those interests which require joint final decision-making on key policy issues. However, tribes or state agencies may identify program and/or technical staff to attend meetings when appropriate, depending on the nature of the issue, and where similar representation is anticipated.

- **Honesty and integrity must be maintained by all parties in the consultation process**. Mutual respect and trust are fundamental elements in establishing a good consultative relationship. Tribal and state officials should be open with information that may be beneficial or critical to making a decision or developing a position.

B. Critical Elements in Conducting Consultation

Adequate preparation and identification of key elements are essential in conducting the consultation process. The following logistics and mechanics will assist in providing a forum for productive deliberation and decision-making:

- **Identify the participants in the process.** Each tribe and the state have the right to determine who will represent them in the consultation process. Certain responsibilities or authorities for specific actions may be dictated by tribal council resolutions or state legislation. While each party should strive to establish participation at the appropriate level, staff and/or technical individuals may also participate in the process. It should not be expected that staff will make policy decisions, or take formal positions without authorization from their respective government officials. However, all participants should disclose any limitations on their ability to make decisions on behalf of their agency/tribe, prior to any consultation meetings.
- **Provide a clear description of the nature of the issue and/or conflict.** Any related documentation or statements that outline for the purpose and/or describe the issue to be addressed should be provided in advance to all parties involved in the consultation process. These documents should clearly explain any proposed actions and the details of the decision or policy to be developed. Any sensitive information or legal limitations on or requirements for disclosure of information should be identified in advance.
- **Allow ample time to review documents and respond to requests for consultation.** Depending on the nature or complexity of the issues to be addressed, the amount of time will vary for different tribes or agencies. While some decisions may require quick actions due to imposed deadlines, every effort should be made to provide written notice in advance to allow for adequate and meaningful input and response.
- **Establish and adhere to a schedule for consultation.** State and tribal officials should jointly determine the protocols, timing and number of meetings needed to consult.
- **Recognize that tribes are traditionally, culturally and administratively different from each other.** Tribes have varying degrees of governmental infrastructure and managerial and financial resources. It should be understood that some kinds of information are sensitive, especially regarding traditional religious practices. Further, in some cases, tribal customary law or religious rules regarding issues of confidentially may not be negotiable. Tribes may be hesitant to share such information unless confidentiality can be guaranteed.
- **Use of workgroups and/or task forces to develop recommendations**. In some cases, development of recommended actions on various technical, legal or policy issues may be facilitated through the establishment of a joint tribal/state workgroup. Products developed by the Workgroup may be used to facilitate final policy decisions.

- **Report on the outcomes of the consultation**. Reflective of a meaningful government-to-government consultation, the goal is to reach consensus during the process. While consensus may not always be fully achieved, tribal and state agency officials should be involved and actively participate in the decision-making process so that all views are heard and considered.

Where appropriate, the parties may agree to formally document consultation meetings and agreed-upon recommendations. Once the consultation is completed and a policy decision is final, all recommended follow-up actions should be implemented and monitored. Reports on the status of the implementation of recommended items should occur during the Annual Centennial meeting between state and tribal officials.

SECTION 6

Cultural Resources Background

6.1 Project Setting

6.1.1 General Description of the Project Area

Previous cultural resource studies of the project area (Chance and Chance 1985; Galm, ed. 1994; Gough, ed. 1990; Masten and Galm 1986) presented comprehensive syntheses of the natural and cultural setting of the region. The draft Lake Roosevelt Historic Properties Management Plan is the best source for summary information on previous cultural resources investigations, available from the Bureau of Reclamation.

The pre-impoundment Upper Columbia River Valley was an area of stark contrasts distinguished by extremes of elevation, precipitation, and variation in vegetation communities (Galm, et al. 1994). The southern reaches lie within the Columbia Basin province, while the more northerly area is part of the Okanogan Highlands physiographic province. Vegetation reflects this transition consisting of semi-arid steppe to the south and a more mesic forest-dominated community in the north that included pine even on lower terraces, and bars adjacent to the river.

North of Inchelium, the composition of the pine-dominated forest changes with increases in spruce, birch, aspen, and lodgepole pine on terraces, valley walls, and on the adjacent mountain slopes. Mountains rise steeply just beyond or along the rim of the valley in most of the reaches. The proximity of high-elevation environments to the valley bottom would have enabled prehistoric people to readily access high elevation resources in comparison to their river-valley dwelling counterparts to the south. Increases in precipitation mirror changes in elevation and the transition from the Columbia Basin to the Okanogan Highlands physiographic province. Precipitation ranges from lows of 30 cm (12 inches)/year in the south to over 96 cm (30 inches)/year in the surrounding mountains. In the river valley itself, precipitation ranges from 30 cm in the south to about 58 cm in the area near the U.S.-Canadian border. A winter-dominant precipitation pattern in the study area accounts for most of the annual budget, falling as snow between the late fall and early spring. Winter weather is typically moderated by the depth of the Columbia River Valley and is rarely severe within the valley itself. Summer temperatures can be extremely hot although nighttime temperatures are most often cool.

6.2 Cultural Resources Background

6.2.1 Prehistory

The RI/FS program area includes the upper Columbia River between Grand Coulee Dam and the U.S.-Canadian border. This stretch of the Columbia River is covered in several overviews of regional prehistory. The Kettle Falls vicinity is addressed in Pokotylo and Mitchell's (1998:81-102) review of the prehistory of the Northern Plateau. Specifically,

Pokotylo and Mitchell (1998:93-96) organize their review of the Columbia River Basin portion of the Northern Plateau into a discussion of the *Okanogan Valley Sequence*, the *Arrow Lakes-Slocan Valley Sequence*, and the *Kettle Falls Sequence*. Grand Coulee Dam and vicinity are addressed by Ames, Dumond, Galm and Minor (1998:103-119) in their review of the prehistory of the Southern Plateau. Within the Southern Plateau, the RI/FS program area of the Grand Coulee vicinity is part of Ames, et al.'s (1998:Figure 1) South-central Plateau. The U.S.-Canadian border vicinity is in proximity to the area that Roll and Hackenberger (1998:Figure 1) review in the prehistory of the Eastern Plateau.

The most recent comprehensive inventory of archaeological and historic sites in the RI/FS program area was reported in 1996 by Eastern Washington University (Galm, et al. 1996). Prior to the 1996 survey, there were 336 previously recorded sites between the U.S. Canadian border and Grand Coulee Dam. Twenty previously unrecorded prehistoric and historic archaeological sites were recorded as a result of fieldwork conducted during the 1996 season (Galm, et al. 1996:5.1). A total of 356 sites are now known and recorded between the border and the dam.

As summarized by Galm, et al. (1996:2.2-2.8), previous archaeological research in the UCR is separated into three divisions: the pre-inundation investigations during the 1930s and 1940s by the Columbia Basin Archaeological Survey (CBAS), post-inundation salvage excavations by the University of Idaho and Washington State University in the 1960s and 1970s, and numerous cultural resources surveys of portions of the reservoir from the 1960s through 1996. Since 1996, a fourth period of archaeological and cultural investigations was instituted by an intensive compliance program managed and implemented by the federal agencies (Bonneville Power Administration, Reclamation, and the NPS) and the tribes (CCT and STI).

In 1939, Reclamation removed and relocated or reburied as many as 1,388 Indian graves and associated grave goods that would be inundated by Lake Roosevelt.

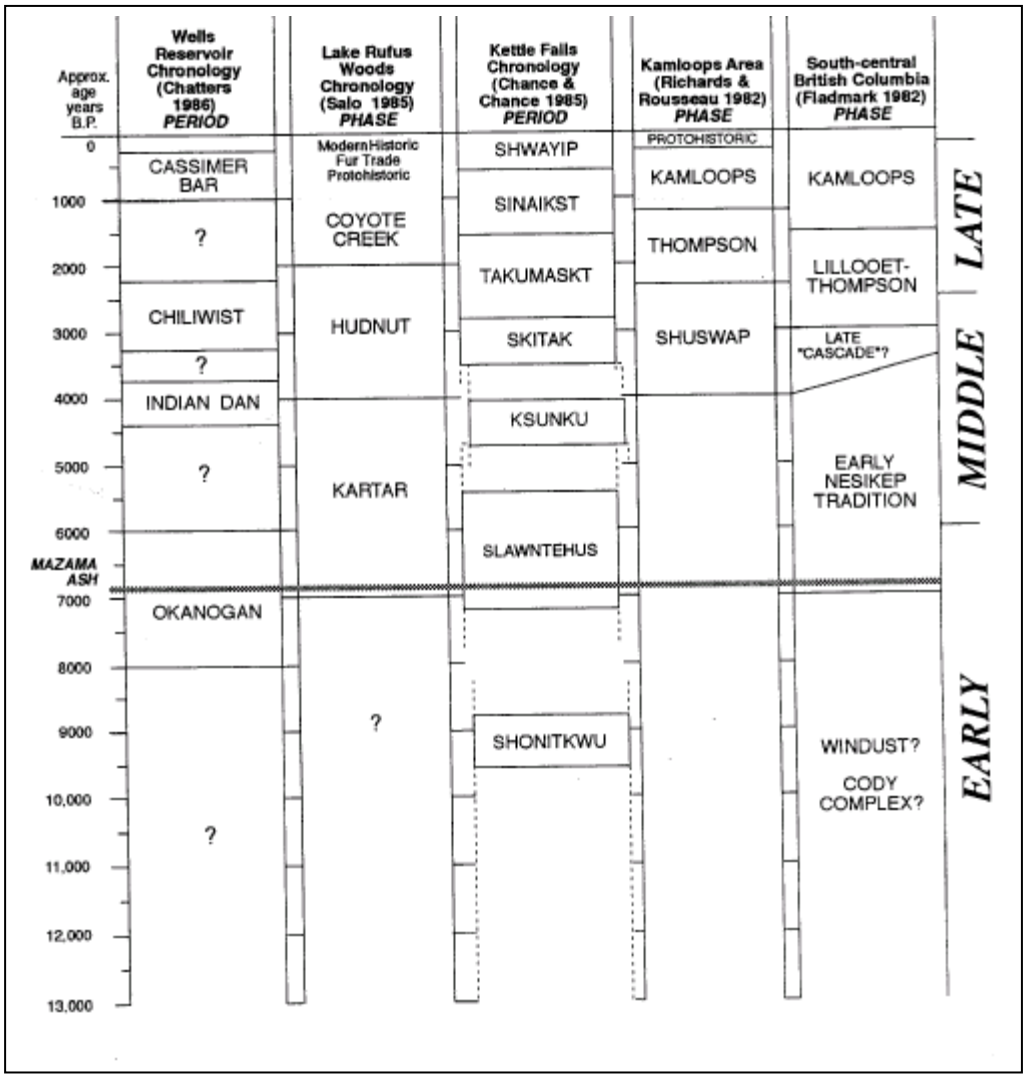
Professional investigations within the reservoir basin began in 1939 with archaeological survey and testing conducted by the CBAS. Fifty-one sites were recorded in the course of the survey, 39 were additionally investigated, and only four were extensively excavated (Galm and Luttrell 1994:3.4-3.15).

Prehistoric Cultural Sequence

More recently, the University of Idaho conducted extensive excavations at and near Kettle Falls in the 1970s. Following several years of fieldwork, a cultural sequence for the upper Columbia River region was defined (Chance and Chance 1982, 1985; Chance, et al. 1977). It was in part based on the first, dated cultural chronology for the upper Columbia River developed by other researchers in adjacent regions. Cultural changes were proposed on the basis of variation in composition of artifact assemblages, hallmark artifacts and technologies, and settlement and subsistence patterns (Figure 6-1).

Comparing this scheme with chronologies developed for nearby areas reveals a confusing level of variation in the Kettle Falls chronology. As many differences as similarities can be found when these various chronological schemes are compared. Variations in artifact assemblages and technologies, and apparent land use patterns are conspicuous between this sequence and those developed for nearby regions (Campbell 1985; Salo 1985).

FIGURE 6-1
Regional Prehistoric Culture Sequences
Source: Galm, et al. 1996:Figure 2.5



In a recently completed overview, the archaeological record of the Lake Roosevelt basin was reviewed in terms of basic categories of archaeological interest: the culture historical sequence, prehistoric land use, subsistence, settlement/housing, and trade (Galm and Luttrell 1994:3.63-3.79). Prior to 1996, excavations within the Lake Roosevelt basin concentrated on those sites at, or within a few kilometers of, Kettle Falls. This focus on resource extraction sites (fishing sites) most likely skewed the archaeological record compiled to date. The effects of over 50 years of inundation have also affected archaeological sites by varying degrees of erosional and depositional geomorphic processes controlled partly by reservoir operations. It is also likely that wet/dry cycles associated with drawdowns and refilling have affected the contents of site deposits. As a result, it is likely that archaeologists have an incomplete picture of prehistoric cultural adaptations may have been created in the post-inundation era.

6.2.2 Ethnology

The RI/FS program area lies within lands and waters controlled by the Lakes, Colville, Sanpoil and Nespelem groups (Kennedy and Bouchard 1998:238-252) and by the Spokane group (Ross 1998:271-282). Nespelem, Sanpoil, Lakes and Colville are the northerly members of an Interior Salish grouping that also includes the Methow, Okanagan, Wenatchee, Entiat, Chelan, and Moses Columbia. The Lakes territory is along the Arrow Lakes and Slocan Lake and the Columbia River from Revelstoke to as far south as Marcus and the Kettle River in Washington State. The Colville were traditionally along the Columbia River below the Lakes and above the Sanpoil and Nespelem, and along the lower Kettle River. The Spokane of northeastern Washington spoke an Interior Salishan language, shared, in different dialects, with the Kalispel, Pend d'Oreille, and Flathead. Aboriginally the Spokane comprised three bands: the Lower Spokane (near Little Falls), Middle Spokane (on Hangman or Latah Creek), and the Upper Spokane on the Little Spokane River and upriver from the confluence with Hangman Creek.

Colville Reservation

The CCT is a Sovereign Nation and is a federally recognized American Indian Tribe (Colville Confederated Tribes 2005). Today, over 8,700 descendants of 12 aboriginal tribes of Indians are enrolled in the CCT. The tribes, commonly known by English and French names, are: the Colville, the Nespelem, the San Poil, the Lake, the Palus, the Wenatchi (Wenatchee), the Chelan, the Entiat, the Methow, the southern Okanogan, the Moses Columbia, and the Nez Perce of Chief Joseph's Band.

Prior to the influx of Canadians and Europeans in the mid-1850s the ancestors of the 12 aboriginal tribes were nomadic, following the seasons of nature and their sources of food. Their aboriginal territories were grouped primarily around waterways such as the Columbia River, the San Poil River, the Okanogan River, the Snake River and the Wallowa River.

Many tribal ancestors traveled throughout their aboriginal territories and other areas in the Northwest (including Canada), gathering with other native peoples for traditional activities such as food harvesting, feasting, trading, and celebrations that included sports and gambling. Their lives were tied to the cycles of nature both spiritually and traditionally.

The Colville Indian Reservation was established by Presidential Executive Order in 1872 and was originally twice as large as it is today.

The Colville Indian Reservation land base covers 1.4 million acres or 2,100 square acres located in North Central Washington, primarily in Okanogan and Ferry counties. The reservation consists of tribally owned lands held in federal trust status for the CCT, land owned by individual Colville tribal members, most of which is held in federal trust status, and land owned by others, described as fee property and taxable by counties.

Colville Reservation lands are diverse, with natural resources including standing timber, streams, rivers, lakes, minerals, varied terrain, native plants, and wildlife.

The Colville Indian Reservation is occupied by over 5,000 residents, both Colville tribal members and their families and other non-Colville members, living either in small

communities or in rural settings. Approximately fifty percent of the CCTmembership live on or adjacent to the Reservation.

The CCT and the Colville Indian Reservation are governed by the Colville Business Council, a group of fourteen (14) adult Colville tribal members who are elected to 2-year terms in a democratic election process that is held each year in the month of June to fill seven open council positions.

On February 26, 1938, the federal government approved the CCT's Constitution and By-Laws, and from this document the Colville Business Council was established as the governing body of the tribes.

The CCT's Constitution also divided the Colville Indian Reservation into four voting districts based on aboriginal territories: the Omak District, the Nespelem District, the Keller District, and the Inchelium District.

Eligible adult Colville tribal members may register in one of the districts to vote in the yearly Colville Business Council election; in addition, eligible adult Colville tribal members may receive certification as candidates in the yearly election for seven of the fourteen, 2-year term council positions. The election process includes a primary election held in May prior to the General Election in June. The democratic process is governed by a Colville Business Council committee and an election ordinance.

Members of the Colville Business Council are salaried while in office.

From its administrative headquarters located at the Bureau of Indian Affairs (BIA) Agency at Nespelem, the Colville Business Council oversees a diverse, multi-million- dollar administration that employees from 800 to 1,200 individuals in permanent, part- time, and seasonal positions.

The CCT operates on a yearly budget that is financed primarily from revenues generated from the sale of the Tribe's timber products and from other sources including federal, state, and private contributions.

The CCT adheres to Colville Tribal Member Preference. Both Colville tribal members and non-Colville members are employed throughout its extensive governmental operation.

This governmental operation provides a variety of services for Colville tribal members living on the reservation and elsewhere, and for the management of reservation natural resources.

In addition, the CCT have chartered its own corporation, the Colville Tribal Enterprise Corporation (CTEC), which oversees several enterprise divisions including a gaming division and three casinos. The Corporation employs several hundred permanent and part-time employees. The work force is composed primarily of Colville tribal members and non-tribal members from the communities where the enterprises are located.

Numerous chronic situations affect the daily lives of Colville tribal members, such as high unemployment on the Colville Indian Reservation and lack of employment opportunities for much of the available labor force. Individuals and families suffer from the effects of extensive drug and alcohol abuse, domestic violence, and crime.

In many instances, Colville Indian families are living below the national poverty standards year after year and depend on the CCT and other welfare systems to survive.

Colville Indian Reservation communities lack adequate, affordable housing, home water systems, and even electricity. Safe, usable roadways throughout the reservation are lacking, as well as facilities such as modern health clinics and youth shelters.

The CCT strives to protect and enhance the quality of life for Colville tribal members and at the same time govern as a sovereign nation. Additional information is available in Lahren (1998:492).

Spokane Reservation

According to Lahren (1998:494), the Spokane occupied about 3,000,000 acres in northeast Washington. The Spokane Reservation was created by executive order in 1881 and ratified in 1892. Originally it consisted of 154,602 acres. A joint resolution of Congress was passed in 1902 to allot the reservation. The Secretary of the Interior was authorized to sell unallotted surplus lands in 1908, and it was opened for homestead entry in 1909. The Upper and Middle Spokane signed an agreement in 1887, ratified in 1892, to be removed to the Coeur d'Alene Reservation. In 1958, 2,752 acres were restored to the reservation by an act of Congress.

Euro-American Historical Period

Fur trade was the impetus for the first European establishment in the Lake Roosevelt area. Fort Spokane was built between 1807 and 1810 at the confluence of the Spokane and Little Spokane Rivers, and Fort Colville was established soon afterward at Kettle Falls. David Thompson's narratives are excellent original sources for life on the upper Columbia River during the early fur trading period. By the late 19th century, farmers and loggers had settled widely in central Washington. Chinese immigrant miners and other laborers also found their way to Washington at this time. By the early 19th century, irrigation-dependent farming had increased to the point that a Depression-era drought devastated local economies. A western power shortage associated with World War II led Franklin D. Roosevelt to authorize the Columbia Basin Project, including Grand Coulee Dam and Banks Lake, a holding reservoir.

SECTION 7

Coordination Plan

7.1 Plan Summary

The primary objective of this CRCP is to ensure that cultural resources are not harmed by the RI/FS sampling program. Therefore, this plan must establish procedures to control the sampling program from inception to completion.

In simple terms, CH2M HILL's scientists will indicate the exact locations where they want to collect sediment samples. These locations will then be screen-checked against the exact locations of known/recorded archaeological and/or historical sites. If there is a spatial conflict between a desired sampling location and a cultural resource, then the sampling location will be moved to a new location that does not conflict with known/recorded cultural resource sites if the sites are considered "sensitive sites" by the CCT or STI. Because the upper Columbia River corridor is of extremely high archaeological and cultural importance, all sediment sampling will be monitored by a qualified cultural resources specialist. Sampling locations off tribal reservations will be monitored by representatives from either the STI, CCT, or NPS.

7.2 Critical Issues

Based on a review of available literature, it appears that both sides of the upper Columbia River from Grand Coulee Dam to the U.S.-Canadian border have been subject to professional archaeological inventory (survey). In theory, all cultural resource sites present have been discovered and recorded. In reality, there may be additional cultural resource sites that have escaped detection because they are buried beneath river flood sediments or are now obscured by sediments deposited since the creation of Lake Roosevelt.

RI/FS sampling within the boundaries of known/recorded archaeological or historical sites would trigger a potentially lengthy Section 106 compliance process. Many of the known/recorded sites have been determined eligible for inclusion in the National Register, while many others whose National Register eligibility has not been formally determined may also meet National Register eligibility criteria.

RI/FS sampling in non-site areas (for example, areas presently believed to be free of archaeological sites and/or historic remains) would, for all practical purposes, side-step the Section 106 compliance process because the sampling program would avoid historic properties. In other words, the program could be approved by the tribal THPOs and the state SHPO with a finding that no historic properties were found, or that historic properties were found but would not be affected.

If RI/FS sampling must take place within the boundaries of a National register-eligible archaeological or historic site, on-site archaeological monitoring will occur to help ensure that the historic property would not be adversely affected. If the historic property is

adversely affected, then the Section 106 process would continue as the parties attempt to resolve the adverse effects through continued consultation on how to minimize or mitigate the adverse effects.

Given the possibility that sampling in non-site areas could encounter presently undetected (buried or obscured) archaeological sites, this plan must include provisions for archeological monitoring of all sediment sampling operations.

7.3 Early Consultation

To ensure a successful RI/FS sampling program, consultation among the parties must begin immediately. (Such immediate and early consultation was begun in October 2004.) This early consultation should include the following steps:

- Conduct one or more workshops to finalize the RI/FS sampling locations to ensure that all known/recorded archaeological and historic sites have been avoided and that all sampling will take place in non-site areas. These workshops must include CH2M HILL (a project scientist and a cultural resources specialist), the tribes (Colville and Spokane tribal cultural resource specialists), and the appropriate federal agency representatives. Comparison of archaeological and historic site records with proposed sampling locations will result in moving conflicting sampling locations to non-site areas.
- Present a final RI/FS sampling plan to the parties for approval. The first step will be to ensure that the USEPA and CH2M HILL's scientists approve of the selected sampling locations. Once the sampling plan has passed this technical review, it must be approved by the Tribal governments (via the appropriate Tribal committees and boards) and the appropriate federal agencies with jurisdiction of non-reservation/non-tribal lands.

7.4 Continuing Consultation

To ensure a successful RI/FS sampling program, consultation among the parties must continue throughout the program. Continuing consultation should include the following steps:

- Full-time monitoring of RI/FS field sampling. The daily presence of either tribal cultural resource staff and/or CH2M HILL cultural resources staff will ensure that sampling takes place in the designated off-site areas. Further, if an unanticipated discovery is made, the presence of a monitor will ensure that further disturbance will not occur.
- Real-time reporting of field sampling results (for example, cultural resources not found/not disturbed or cultural resources found/disturbance halted) to tribal governments (to their designated committees or boards) and to the appropriate federal agencies with jurisdiction on a same day/next day basis. Real-time reporting can be organized with designated communicators and recipients and the specific means of communication (phone/e-mail, etc.).

7.5 Contingency Planning

Provided below are recommended procedures to be followed during field sampling to ensure that significant cultural resources are not inadvertently harmed. Specific measures to be taken to avoid or minimize impacts, a discussion of notifications and actions to be taken if unanticipated cultural materials are discovered or a known resource is affected in an unanticipated manner during sampling, and a plan for the treatment of any Native American human remains that may be exposed during sampling are outlined here.

Prehistoric cultural resources are defined as resources created or affected prior to the existence of written language in the area. Prehistoric materials may include but are not limited to:

- Habitation (occupation or ceremonial structures as interpreted from rock rings/ features, distinct ground depressions, differences in compaction (for example, house floors).
- Artifacts including chipped stone objects such as projectile points and bifaces; ground stone artifacts such as manos, metates, mortars, pestles, grinding stones, pitted hammerstones; and, shell and bone artifacts including ornaments and beads.
- Various features and samples including hearths (fire-cracked rock; baked/vitrified clay), artifact caches, faunal and shellfish remains (which permit dietary reconstruction), distinctive changes in soil stratigraphy indicative of prehistoric activities.
- Human bone – either isolated or intact burials. Human remains and associated funerary objects are covered in their own NAGPRA section, discussed below.

Historic cultural materials may include finds that were created after written language was present in the area. Objects and features associated with the Historic Period can include but are not limited to:

- Structural remains or portions of foundations (bricks, cobbles/boulders, stacked field stone, postholes, etc.).
- Trash pits, privies, wells and associated artifacts.
- Isolated artifacts or isolated clusters of manufactured artifacts (for example, glass bottles, metal cans, manufactured wood items, etc.).
- Euro- or Asian-American human remains.

In addition, cultural materials including both artifacts and structures that can be attributed to Asian and other ethnic or racial groups are potentially significant. Such artifacts, features, or clusters of artifacts and samples include remains of structures, trash pits, and privies.

Archaeological activities related to the program will meet the Secretary of the Interior's Standards (as appropriate).

Archaeological monitoring by a professional archaeologist and/or designated qualified tribal cultural resource specialist is required on a full-time basis during field sampling. The archaeological monitor will be required to identify any cultural resources that might be

exposed by excavation, site preparation, or other field sampling-related activities. Archaeological monitoring is the observation of sediments during excavation or other ground disturbance activities in order to determine if cultural resources are present.

Archaeological monitoring will be conducted until all ground-disturbing construction has been completed. During construction of the underground duct bank, monitoring will be required during the excavation of the trench and any other associated excavation work

7.5.1 Discoveries in the Field

Despite the planning and consultation taken to ensure that all cultural resources are located and avoided prior to RI/FS field sampling, there still remains the possibility that undiscovered, buried cultural resources might be encountered in the unplanned absence of an archaeological monitor (because of illness or other unexpected causes). These 'discoveries' can appear unexpectedly and, once discovered, they require special treatment as described below. It is the intention of the worker training awareness program to provide the necessary information to protect cultural resources that may result from an inadvertent discovery. The text below pertains to non-NAGPRA- related items; a separate section pertaining to human remains and associated funerary objects follows this section.

Guidelines

If the archaeological monitor identifies cultural materials in a retrieved sediment sample or (for ground-based sampling sites) in access areas that are inproximity to the proposed sampling sites, he/she must immediately notify the sampling program superintendent. The archaeological monitor has the authority to temporarily halt sampling in the immediate area of the discovery. Redirection of sampling is the responsibility of CH2M HILL's sampling team leader in consultation with the archaeological monitor. CH2M HILL's sampling team leader must immediately redirect sampling in such a manner that the discovered resource will not receive additional impact. This may include but is not limited to moving equipment and personnel away from the discovery, securing the discovery by flagging, rope, tape, barricades, or other means, and notifying all the appropriate parties (THPOs, SHPO, federal agencies, etc.) of the discovery. The archaeologist shall inspect the exposure to evaluate whether it is significant and significance will be determined in consultation with the appropriate parties.

The archaeological monitor in consultation with tribal and agency cultural resource specialists will determine if the exposure does or does not contain significant deposits.

If a determination of non-significance is made, the tribal and agency cultural resource specialists will then notify CH2M HILL's sampling team leader and archaeological monitor to remove the protective flagging, tape, or other restraining device and resume sampling.

The archaeological monitor will include observations in field notes explaining the location, nature, and contents of the exposure, complete with reasons why it was determined not to be significant. Photographic documentation is encouraged unless the find is human remains (in which case the tribes may or may not give permission to take photographs, or may allow compilation of drawings in lieu of photographs). The documentation will be provided to the tribal and agency cultural resources specialists to help determine eligibility or non-

eligibility. The archaeological monitor will compile standard Washington State recording forms; photographic documentation is encouraged.

Analytical Methods

Standard descriptive and statistical analyses will be used to interpret the recovered archaeological materials. In general, the analyses of prehistoric artifacts will emphasize the lithic and faunal materials, because they are often preserved. Other prehistoric material types that may be recovered include ground stone, bone awls, ornaments, shell beads, etc. Recovered materials will be collected and curated in accordance with guidelines provided by 36 CFR 79.

All prehistoric and historic artifacts will be individually described, analyzed, and integrated into the cultural interpretation of the site. The analysis of artifacts will rely on standard descriptive nomenclature and sources of identification. If a specialist is needed, they will be obtained. Other laboratory analyses such as radiocarbon dating, sediment analyses, obsidian sourcing and hydration dating studies will be undertaken depending on the resources found and the research questions that could be addressed by additional analyses.

7.5.2 Discovery of Human Remains: NAGPRA

If human remains are encountered, on-site project officials will immediately stop sampling activities within an area sufficient to protect the resource from further damage. This will be accomplished by moving equipment and personnel away from the discovery, securing the discovery by flagging, tape, or other means, and notifying program officials of the discovery.

Indians consider the graves of their ancestors of utmost importance and wish to prevent the disturbance of interments. The remains and the offerings buried with them are sacred. When a grave or human remains are inadvertently disturbed, the remains must be treated with respect and in accordance with state and federal law(s) as appropriate per jurisdiction.

Protocols for Inadvertent Discovery of Human Remains

At Lake Roosevelt, the NPS and Reclamation have developed protocols governing the treatment of NAGPRA items, which include Native American burials and associated funerary objects, for the National Recreation Area portion of the shoreline under NPS jurisdiction. These protocols were created in coordination with the CCT and the STI. These protocols (appended) MUST be followed when human remains or possible funerary objects are discovered in the National Recreation Area portions of the shoreline, by any parties. Any variance from NAGPRA protocols for the National Recreation Area will be in violation of NAGPRA.

Further, for those portions of shoreline adjacent to the CCT and STI reservations, the tribes are the land managers. Each tribe has developed tribal protocols for treatment of Native American burials and associated items for shoreline lands adjacent to their reservations. These protocols (appended) MUST be followed when human remains or possible funerary objects are discovered in the National Recreation Area portions of the shoreline, by any parties. Any variance from NAGPRA protocols for the National Recreation Area will be in violation of NAGPRA.

Personnel

Archaeologists and other discipline specialists that meet the Secretary of the Interior's Professional Qualification Standards will implement the monitoring and/or NAGRPA protocols.

Coordination

Any discoveries of cultural resources in the field shall be reported by telephone or voice mail to the following NPS, Tribal, and Reclamation personnel. These discoveries shall be followed up by written notification within one week of discovery. For NAGPRA items including human remains and associated funerary objects, please see the NAGPRA protocols (appended) for specific guidance regarding protection, removal, treatment and curation.

For discoveries in the CCT traditional area (those portions of shoreline immediately adjacent to or across the reservoir from the CCT reservation) the following personnel shall be notified as specified above:

- Camille Pleasants, CCT THPO and Program Director of the CCT History/Archaeology Department is the primary contact for the CCT. Ms. Pleasants' phone number at the Department is (509) 634-2654, FAX 634-2694, and the Department internet address is "camille.pleasants@colvilletribes.com." After work hours, Ms. Pleasants can generally be reached at (b) (6) (home) or (b) (6) (cell).
- If Ms. Pleasants cannot be reached, then Martin Engseth, Project Director Archaeologist, is the alternate contact at 509-634-2699. After work hours Mr. Engseth can be reached at (home) or (b) (6) (cell).
- If neither Ms. Pleasants or Mr. Engseth can be contacted, then Guy Moura, TCP Coordinator will be contacted at 509-634-2695 (office), (b) (6) (home), (b) (6) (cell), who shall participate in the NAGPRA consultation process on Ms. Pleasants' behalf until her return.
- The CCT shall maintain a presence at the location of the discovery as needed until all contacts have been made and appropriate treatment of the NAGPRA items has been conducted.
- Ray DePuydt, Park Archeologist for the Lake Roosevelt National Recreation Area, is the primary contact for the NPS. Mr. DePuydt's phone number is (509) 738-6266, ext 114, and his FAX is 633-3862, and internet address is "ray_depuydt@nps.gov." The NPS shall issue an ARPA permit for burial recoveries in the National Recreation Area Zone.
- If Mr. DePuydt cannot be contacted in person, then the CCT shall contact the District Ranger at (509) 738-6266, ext. 109.
- Pei-Lin Yu, Power Office Archaeologist, is Reclamation's primary contact for NAGPRA on Lake Roosevelt. Her phone number is (208)-378-5031, FAX 378-5305, and internet address is "pyu@pn.usbr.gov." She may also be reached in cases of emergency at (208)-344-2234.

- If Ms. Yu is not available, then Lynne MacDonald, Regional Archaeologist, is Reclamation's alternate contact. Her phone number is (208) 378-5316, FAX 378-5305, and internet address is "lmacdonald@pn.usbr.gov."
- If neither Ms. Yu or Ms. MacDonald are available, Reclamation's Contracting Officer will be contacted directly at (208) 378-5364.

For discoveries in the STI traditional area (those portions of shoreline immediately adjacent to or across the reservoir from the STI reservation) the following personnel shall be notified as specified above:

- Randy Abrahamson, STI THPO, is the primary contact for the STI. Mr. Abrahamson's phone number at the Department is (509-258-4315, FAX 258-6965, and his Internet address is "randya@spokanetribe.com." After work hours, Mr. Abrahamson can generally be reached at (b) (6) (cell).
- If Mr. Abrahamson cannot be reached, Ms. Kathy Arneson, Mr. Scott Radford, Mr. George Hill, or Ms. Mavis Hill shall be contacted at 258-4060.
- If none of the above people can be reached, then the on-site STI crew leader shall be presumed delegated as the primary STI representative and shall participate in the NAGPRA consultation process until Mr. Abrahamson's return.
- The STI shall maintain a presence at the location of the discovery as needed until all contacts have been made and appropriate treatment of the remains has been conducted.
- Both Mr. DePuydt from the NPS and Ms. Pei-Lin Yu from Reclamation, see above for contact information.

Site Security

Measures to prohibit or otherwise restrict access to sensitive resource areas that are to be avoided during field sampling will be implemented when and if discoveries are made during monitoring. At present, there are no known sensitive resource areas that could be affected by the project.

If such sensitive resource areas are identified, one or more access restriction methods would be employed. The strongest measure would be to erect cyclone fencing and post a 24-hour security guard. A local fencing contractor would erect the fencing and a local security firm or tribal or agency law enforcement would provide a guard. A less stringent measure would be to erect fencing but not post a guard. Where suitable, flagging or flexible colored plastic fencing can be used to direct construction workers and machinery away from sensitive areas. The length of time such measures are needed will probably vary. It is likely that flagging or flexible fencing can be removed from a sensitive area once construction has been completed in that area. Removal of cyclone fencing or dismissal of a security guard might take place after data recovery has been completed in the sensitive area. Long-term access restrictions, if needed, might consist of permanent fencing or concealment of the resource under landscaping.

Curation

If non-NAGPRA cultural materials are discovered and recovered as a result of the sampling program, CH2M HILL and the archaeological monitor will ensure that archaeological

materials are transported and stored at an approved curation facility that meets standards specified in 441 DM and 36 CFR Part 79. Cultural materials located on the Lake Roosevelt shoreline are federal property, and will likely be curated for the federal government, along with other cultural materials that have been discovered since 1996, in tribal repositories. The NPS and Reclamation shall determine temporary and permanent curation in coordination with the tribes.

NAGPRA items curation is separate, and covered under the appended NAGPRA protocols.

Reporting

Following monitoring of the sampling locations and following implementation of any treatment plan in response to discoveries of archaeological/Native American materials, the archaeologist shall prepare a written report of investigations. It shall include field notes, observations on significant of non-significant resources encountered, photographs, or other data as needed. It should justify actions and decisions made in the field regarding site significance, and should clearly explain all mitigation plan elements used and demonstrate their efficacy in reducing the impacts to less than significant levels. Following review by the tribes and agencies with land management jurisdiction, this report will be filed with the NPS, Reclamation, the Tribal governments, and the Office of Archaeology and Historic Preservation (Olympia).

7.5.3 Worker Environmental Awareness Program

The project archaeologist will provide input for inclusion in the Worker Environmental Awareness Program (WEAP) for the project. A draft WEAP handbook is attached as Appendix C.

SECTION 8

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Exhibits

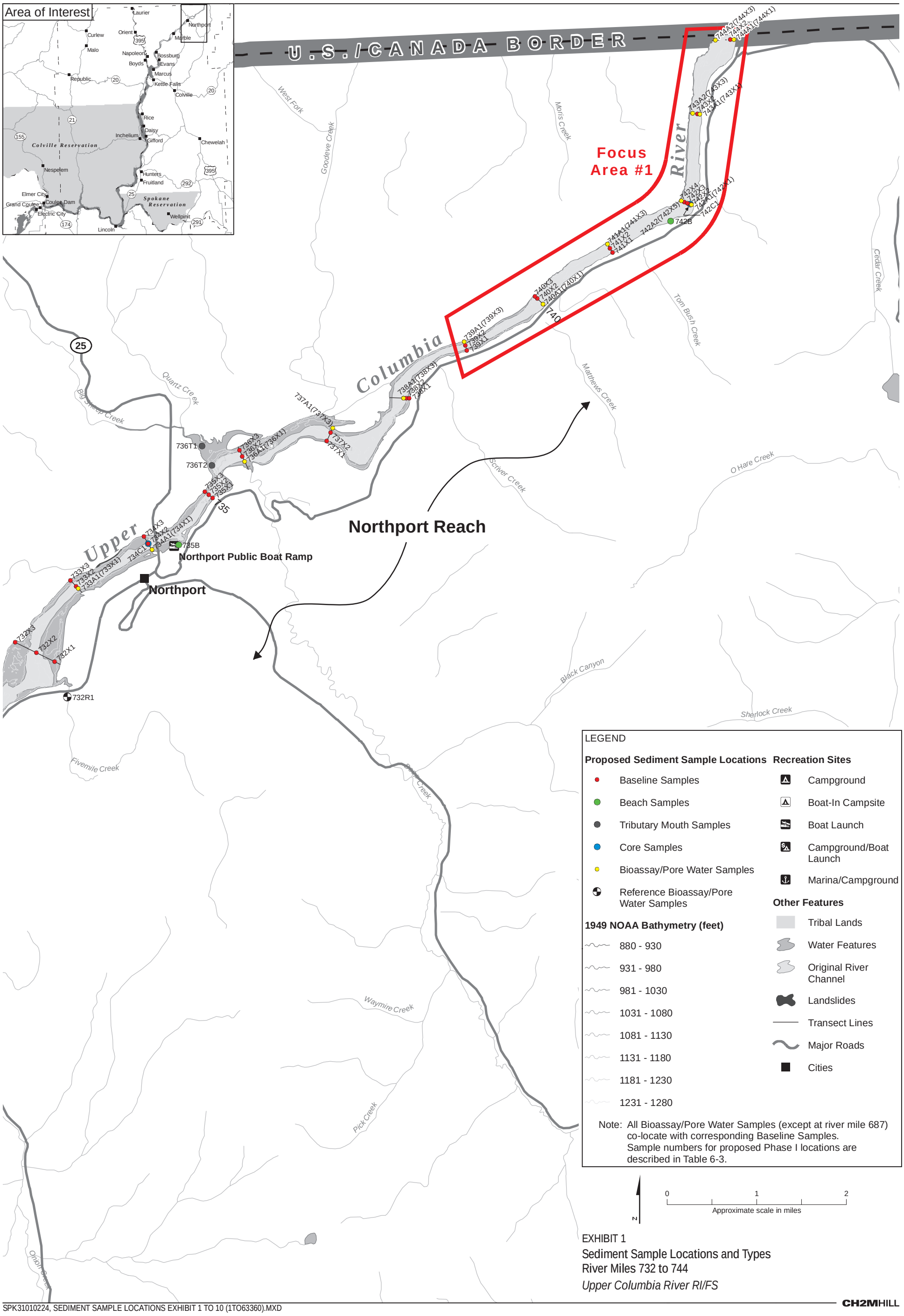

EXHIBIT 1

Sediment Sample Locations and Types
River Miles 732 to 744

Upper Columbia River RI/FS

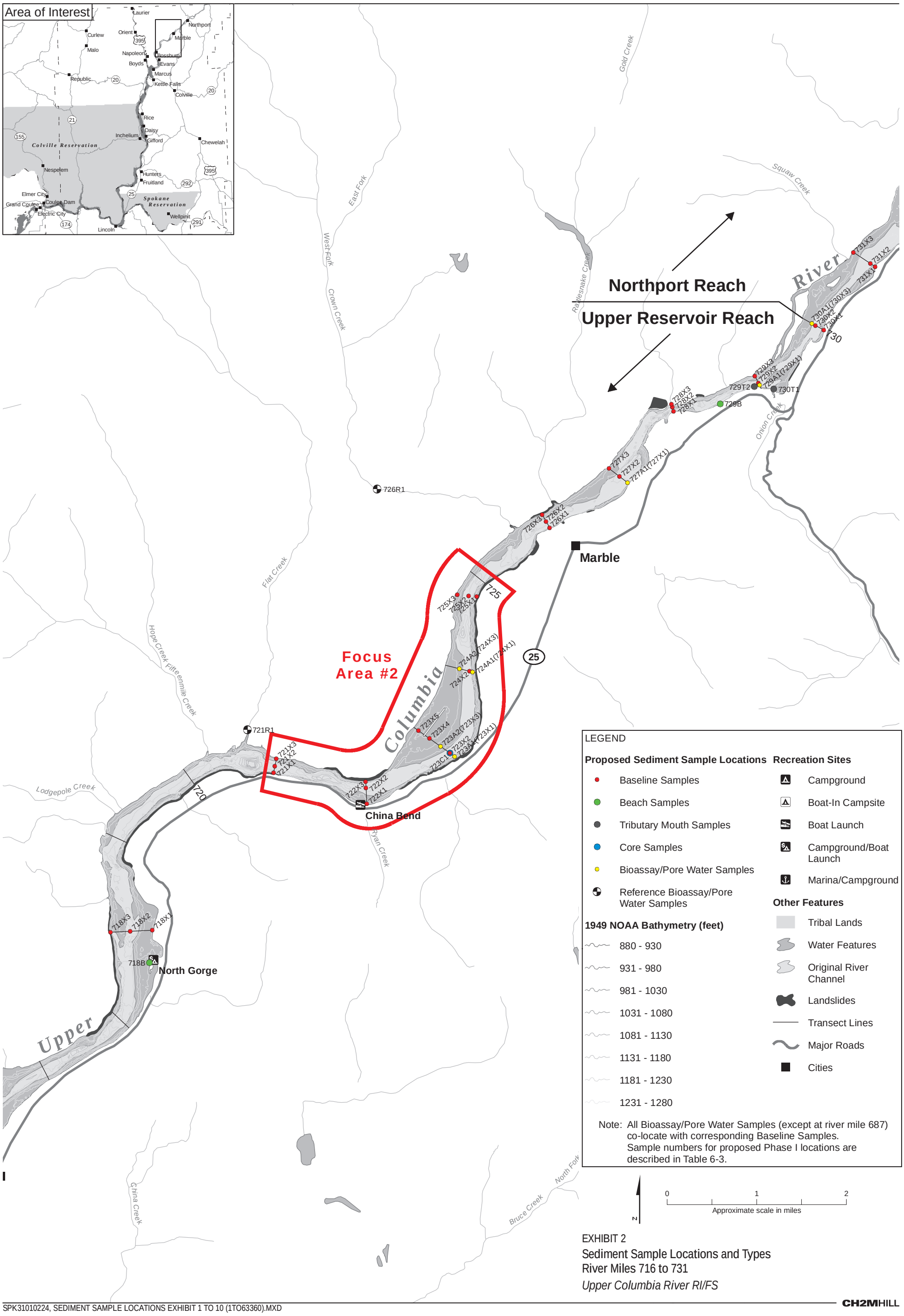

EXHIBIT 2

Sediment Sample Locations and Types
River Miles 716 to 731

Upper Columbia River RI/FS

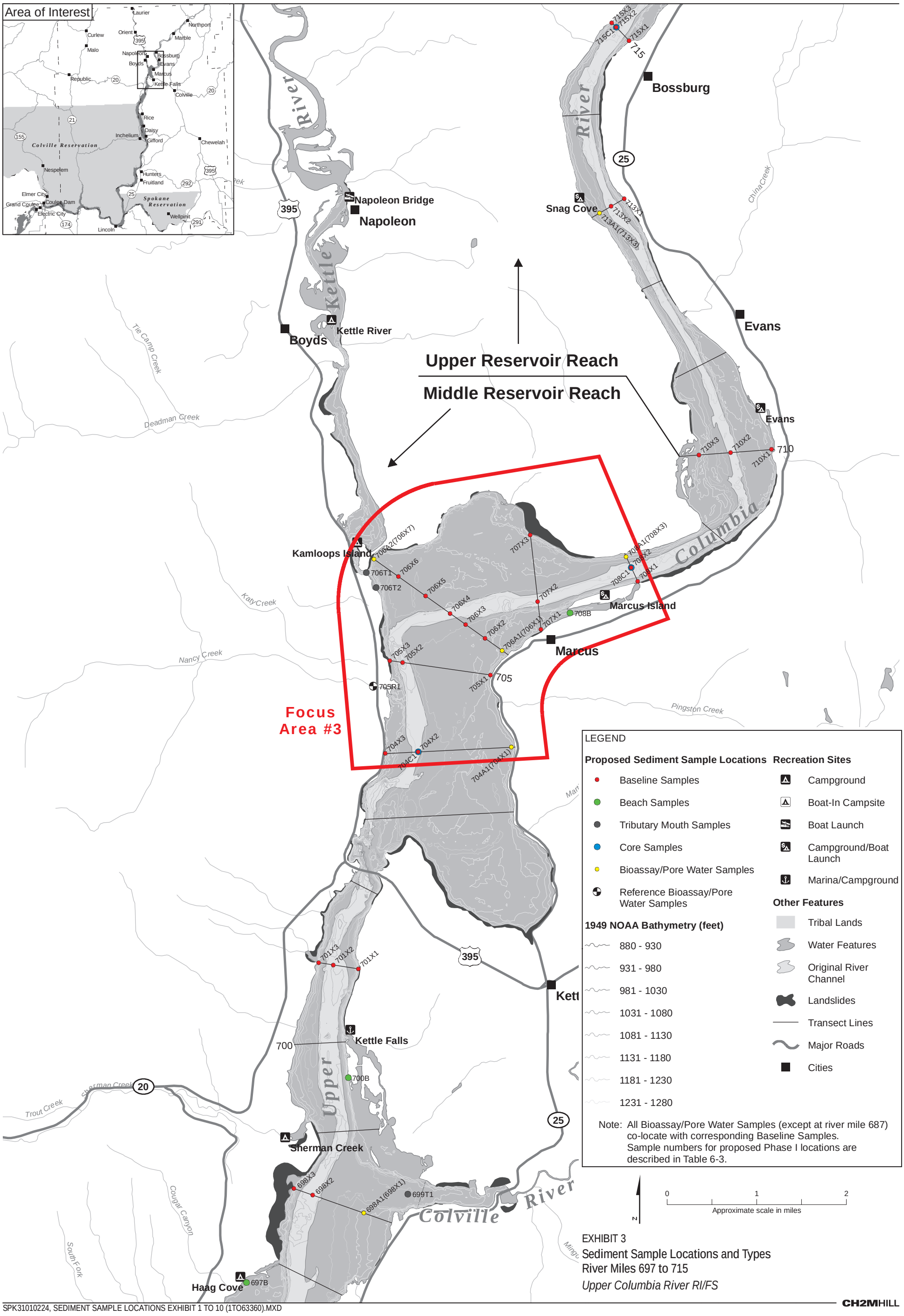

EXHIBIT 3

Sediment Sample Locations and Types

River Miles 697 to 715

Upper Columbia River RI/FS

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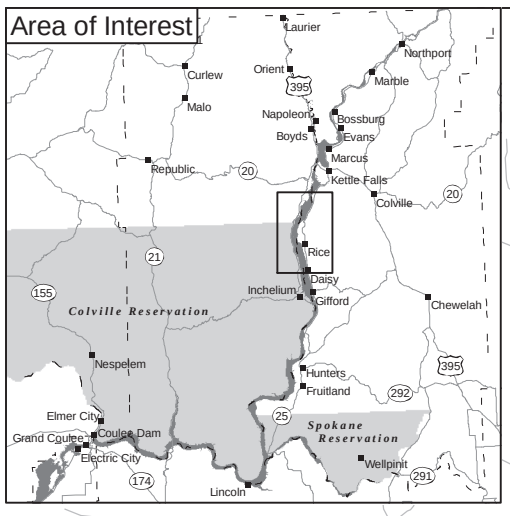
CH2MHILL

Area of Interest



LEGEND

Proposed Sediment Sample Locations

- Baseline Samples
- Beach Samples
- Tributary Mouth Samples
- Core Samples
- Bioassay/Pore Water Samples
- Reference Bioassay/Pore Water Samples

1949 NOAA Bathymetry (feet)

- 880 - 930
- 931 - 980
- 981 - 1030
- 1031 - 1080
- 1081 - 1130
- 1131 - 1180
- 1181 - 1230
- 1231 - 1280

Recreation Sites

- Campground
- Boat-In Campsite
- Boat Launch
- Campground/Boat Launch
- Marina/Campground

Other Features

- Tribal Lands
- Water Features
- Original River Channel
- Landslides
- Transect Lines
- Major Roads
- Cities

Note: All Bioassay/Pore Water Samples (except at river mile 687) co-locate with corresponding Baseline Samples. Sample numbers for proposed Phase I locations are described in Table 6-3.

N

0 1 2

Approximate scale in miles

EXHIBIT 4

Sediment Sample Locations and Types
River Miles 679 to 696

Upper Columbia River RI/FS

SPK31010224, SEDIMENT SAMPLE LOCATIONS EXHIBIT 1 TO 10 (1TO63360).MXD

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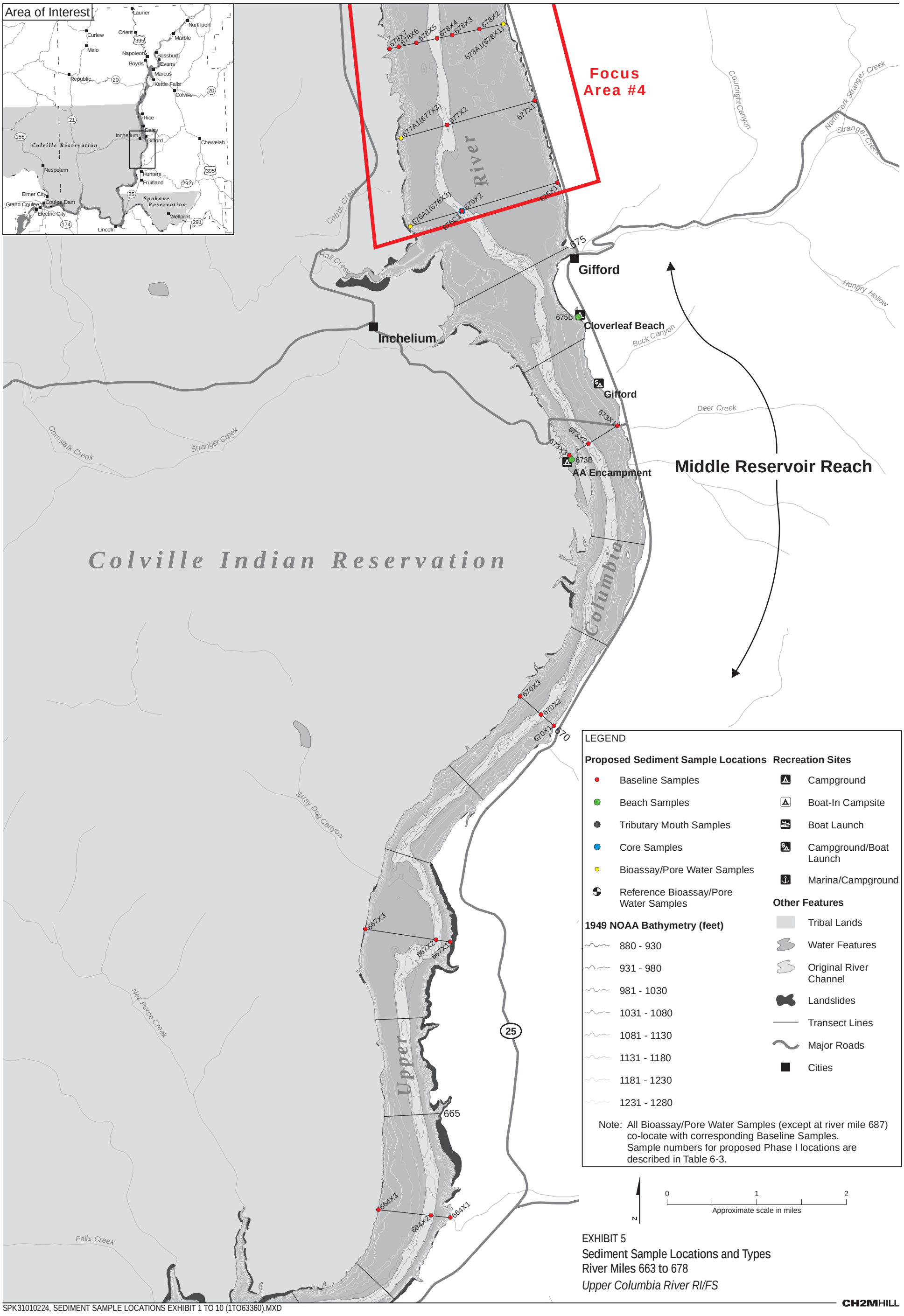

EXHIBIT 5

Sediment Sample Locations and Types

River Miles 663 to 678

Upper Columbia River RI/FS

Area of Interest

Colville Indian Reservation

Spokane Indian Reservation

Middle Reservoir Reach

Focus Area #5

Hunters

Rogers Bar

Wilmont Bay

Corkscrew Canyon

Enterprise

660

650

655

645

661X3

661X2

661C1

661A1(661X1)

658B

658A1(658X3)

658X2

658X1

652X3

652X2

652X1

655X3

655X2

655X1

649X3

649X2

649X1

646X1

646X2

646X3

644A1(644X3)

644C1

644X2

644X1

643X3

643X2

643X1

642X7

642X6

642X4

642X3

642X2

642A1(642X1)

Coyote Creek

Wilmont Creek

Monaghan Creek

Hunter Creek

Ninemile Creek

Little Ninemile Creek

Sixmile Creek

Castle Rock Creek

Cottonwood Creek

North Fork Threemile Creek

Threemile Creek

O-Ra-Pa-Ken Cre

Columbia River

25

LEGEND

Proposed Sediment Sample Locations

- Baseline Samples
- Beach Samples
- Tributary Mouth Samples
- Core Samples
- Bioassay/Pore Water Samples
- Reference Bioassay/Pore Water Samples

1949 NOAA Bathymetry (feet)

- 880 - 930
- 931 - 980
- 981 - 1030
- 1031 - 1080
- 1081 - 1130
- 1131 - 1180
- 1181 - 1230
- 1231 - 1280

Recreation Sites

- Campground
- Boat-In Campsite
- Boat Launch
- Campground/Boat Launch
- Marina/Campground

Other Features

- Tribal Lands
- Water Features
- Original River Channel
- Landslides
- Transect Lines
- Major Roads
- Cities

Note: All Bioassay/Pore Water Samples (except at river mile 687) co-locate with corresponding Baseline Samples. Sample numbers for proposed Phase I locations are described in Table 6-3.

N

0 1 2

Approximate scale in miles

EXHIBIT 6

Sediment Sample Locations and Types
River Miles 642 to 662

Upper Columbia River RI/FS

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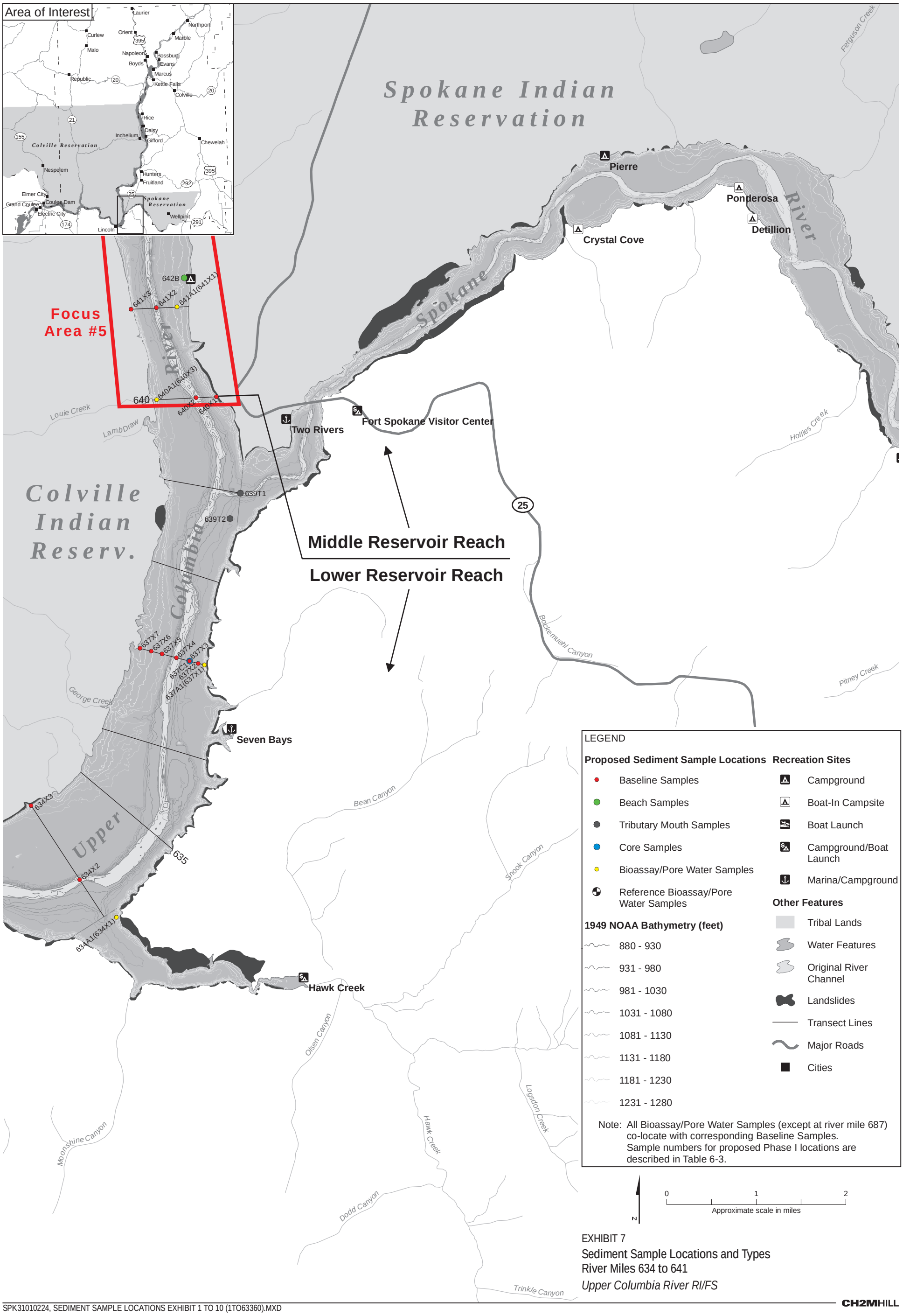

EXHIBIT 7

Sediment Sample Locations and Types
River Miles 634 to 641
Upper Columbia River RI/FS

CH2MHILL

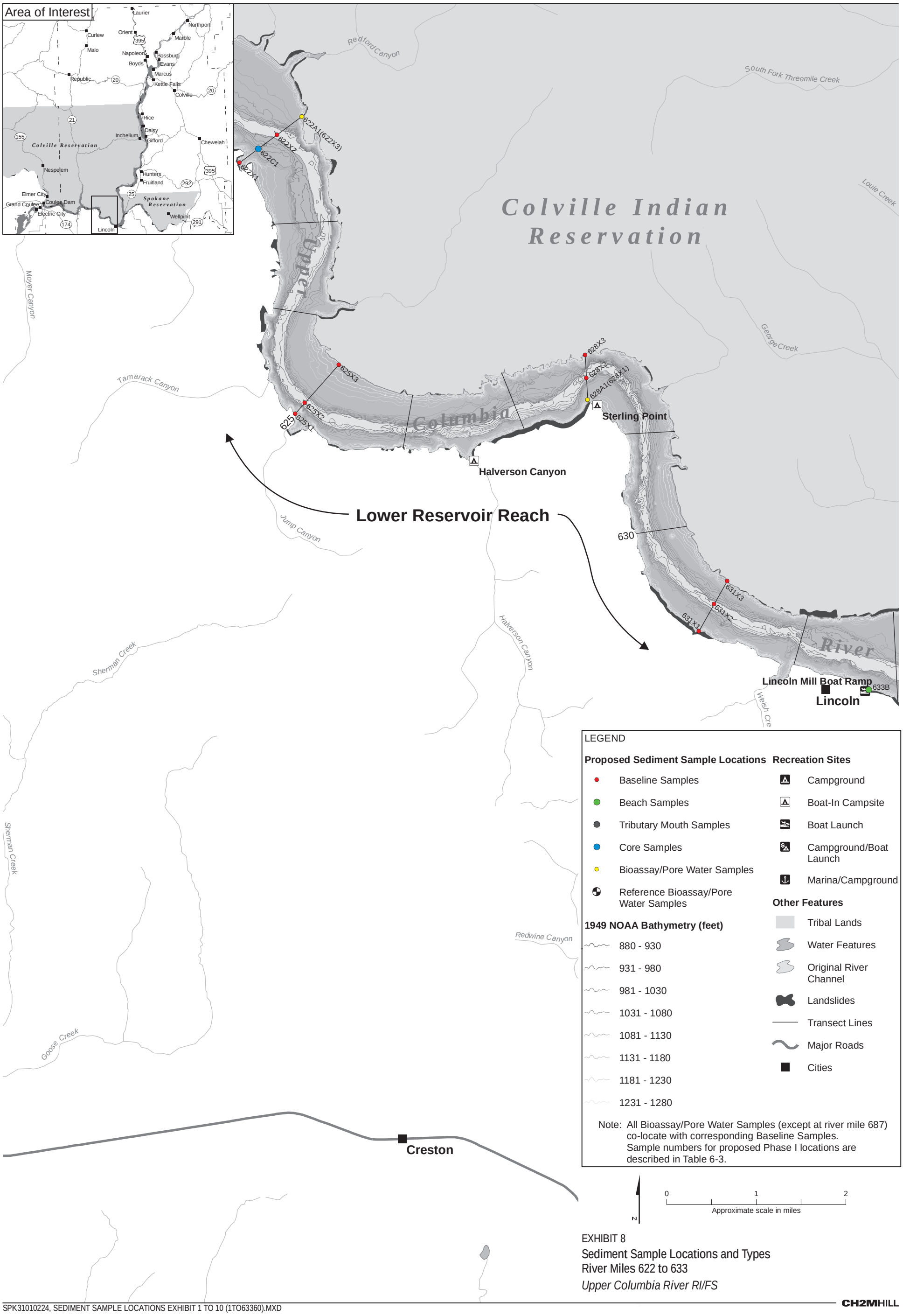

EXHIBIT 8

Sediment Sample Locations and Types
River Miles 622 to 633
Upper Columbia River RI/FS

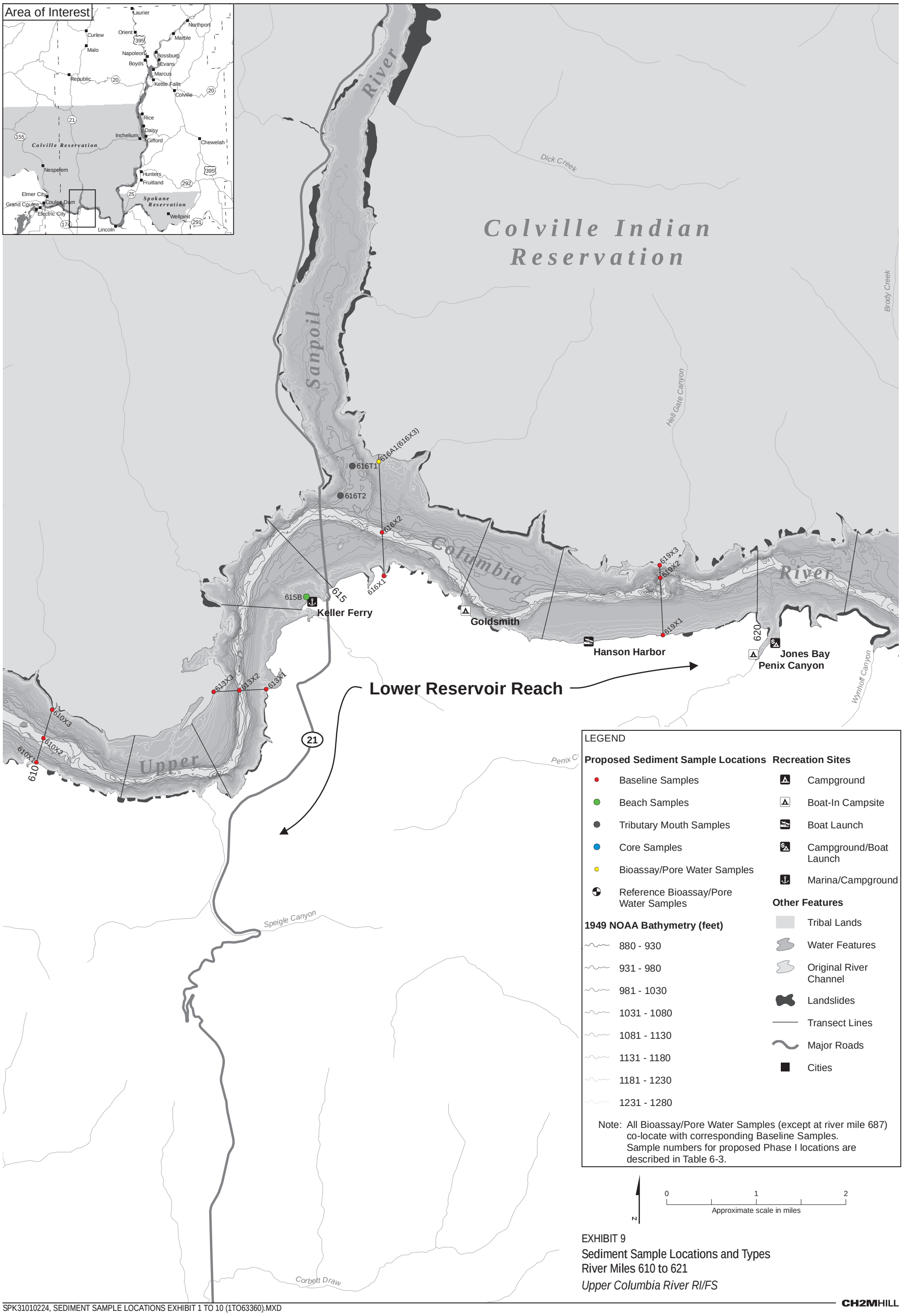

EXHIBIT 9

Sediment Sample Locations and Types
River Miles 610 to 621

Upper Columbia River RI/FS

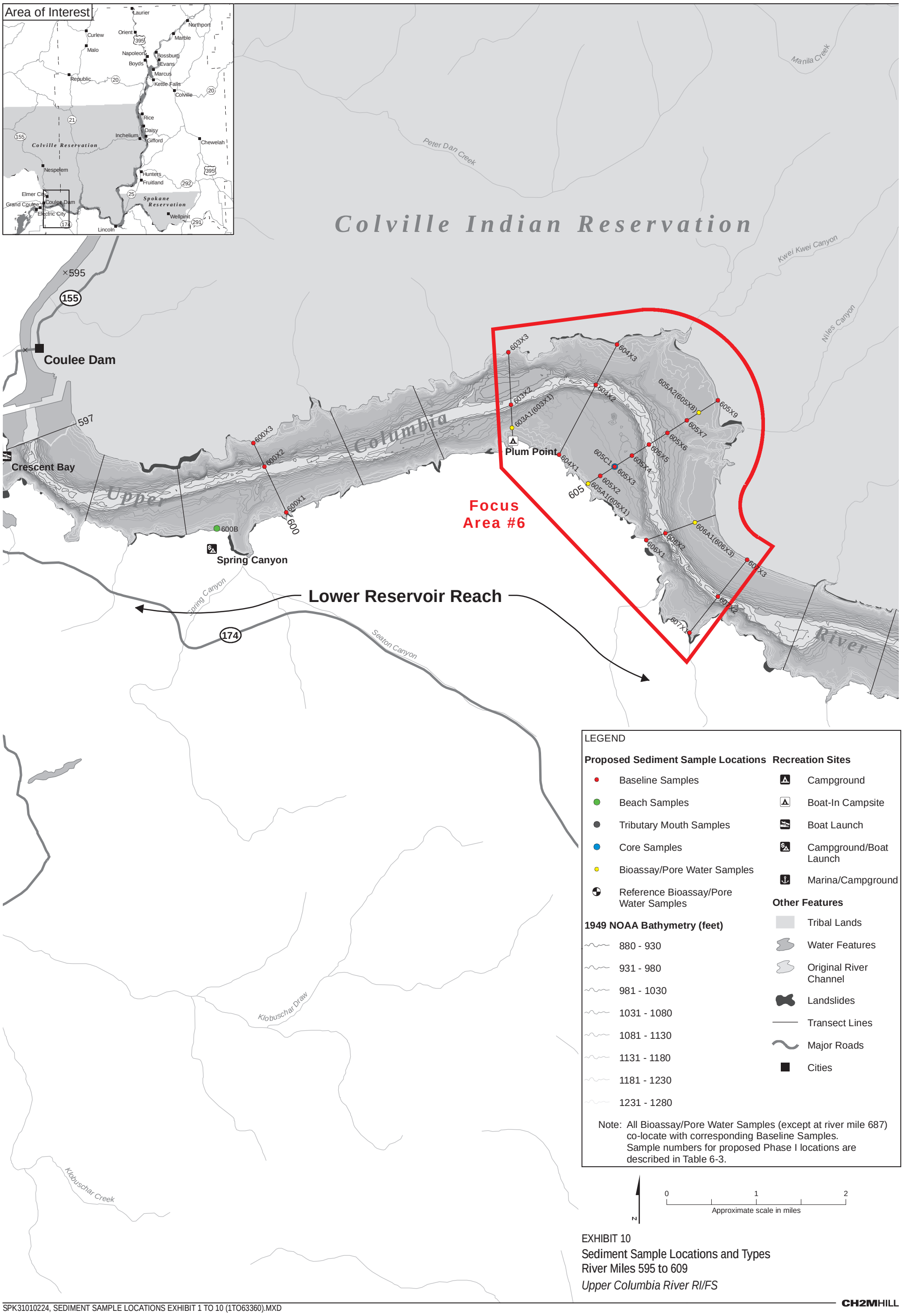

EXHIBIT 10

Sediment Sample Locations and Types
River Miles 595 to 609

Upper Columbia River RI/FS

APPENDIX A
A Compilation of National Park Service Management Policies Pertaining to Native Americans

A Compilation of National Park Service Management Policies Pertaining to Native Americans

National Park Service Management Policies 2001 is "the basic Service-wide policy document of the National Park Service." Rather than have a separately-stated policy relating to the concerns specific to American Indians, Alaska Natives and Native Hawaiians, the National Park Service Management Policies address these concerns throughout this one primary policy document. The following sections are excerpted from the *National Park Service Management Policies 2001*, and were chosen based on the Index. In its printed form, the *National Park Service Management Policies 2001* is 137 pages long, with 10 chapters, two appendices, a glossary, and the index. Complete copies of the policies are available in hard copy, in CD, and on the Internet at http://www.nps.gov/policy/mp/policies.pdf

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Native Americans— includes American Indians, Alaskan natives, native peoples of the Caribbean, native Hawaiians, and other native Pacific islanders.

Definition of Key Terms, Glossary

Chapter 2: Park System Planning

2.1.3 Public Participation

Public participation in planning and decision- making will ensure that the Park Service fully understands and considers the public's interests in the parks, which are part of their national heritage, cultural traditions, and community surroundings. The Service will actively seek out and consult with existing and potential visitors, neighbors, people with traditional cultural ties to park lands, scientists and scholars, concessionaires, cooperating associations, gateway communities, other partners, and government agencies. The Service will work cooperatively with others to improve the condition of parks; to enhance public service; and to integrate parks into sustainable ecological, cultural, and socioeconomic systems.

(See Public Involvement 2.3.1.6; Consultation 5.2.1)

2.3.1.6 Public Involvement

Members of the public— including existing and potential visitors, park neighbors, people with traditional cultural ties to lands within the park, concessionaires, cooperating associations, other partners, scientists and scholars, and other government agencies— will be encouraged to participate during the preparation of a GMP and the associated environmental analysis. Public involvement will meet NEPA and other federal requirements for identifying the scope of issues, for developing the range of alternatives considered in planning, for reviewing the analysis of potential impacts, and for disclosing the rationale for decisions about the park's future. The Service will use the public involvement process to share information about legal and policy mandates, the planning process, issues, and proposed management directions; learn about the values placed by other people and groups

on the same resources and visitor experiences; and build support for implementing the plan among local interests, visitors, Congress, and others at the regional and national level.

While the NPS will encourage public involvement, the Federal Advisory Committee Act (FACA) allows NPS staff to meet or consult with individuals and groups only for the purpose of exchanging views and information, and to solicit individual advice on proposed NPS actions. If consensus advice is sought, an advisory committee must first be chartered pursuant to FACA.

(See Consultation 5.2.1. Also see NPS Guide to the Federal Advisory Committee Act)

Chapter 4: Natural Resource Management

4.1.4 Partnerships

The Service will pursue opportunities to improve natural resource management within parks and across administrative boundaries by cooperating with public agencies, appropriate Native American representatives, and private landowners. The Service recognizes that cooperation with other land managers can accomplish ecosystem stability and other resource management objectives when the best efforts of a single manager might fail. Therefore, the Service will develop agreements with federal, tribal, state, and local governments and organizations, and private landowners, when appropriate, to coordinate plant, animal, water, and other natural resource management activities in ways that maintain and protect, not compromise, park resources and values. Such cooperation may include park restoration activities, research on park natural resources, and the management of species harvested in parks. Such cooperation also may involve coordinating management activities in two or more separate areas, integrating management practices to reduce conflicts, coordinating research, sharing data and expertise, exchanging native biological resources for species management or ecosystem restoration purposes, establishing native wildlife corridors, and providing essential habitats adjacent to, or across, park boundaries.

In addition, the Service will seek the cooperation of others in minimizing the impacts of influences originating outside parks by controlling noise and artificial lighting, maintaining water quality and quantity, eliminating toxic substances, preserving scenic views, improving air quality, preserving wetlands, protecting threatened or endangered species, eliminating exotic species, managing the use of pesticides, protecting shoreline processes, managing fires, managing boundary influences, and in using other means of preserving and protecting natural resources.

(See External Threats and Opportunities 1.5; Partnerships 1.9; Addressing Threats from External Sources 3.4; Agreements 5.2.2)

4.4.2.1 NPS Actions That Remove Plants and Animals:

Whenever the Service removes plants or animals, manages plant or animal populations to reduce their sizes, or allows others to remove plants or animals for an authorized purpose, the Service will seek to ensure that such removals will not cause unacceptable impacts to native resources, natural processes, or other park resources. Whenever the Service identifies a possible need for reducing the size of a park plant or animal population, the Service will

use scientifically valid resource information obtained through consultation with technical experts, literature review, inventory, monitoring, or research to evaluate the identified need for population management, and to document it in the appropriate park management plan.

In planning and implementing plant and animal population management actions, the Service will follow established planning procedures, including provisions for public review and comment. The Service will consult, as appropriate, with other federal land- managing agencies, the U. S. Fish and Wildlife Service, the National Marine Fisheries Service, state agencies, tribal governments, and others. Such consultation will address (1) the management of selected animal populations, (2) research involving the taking of animal species of management interest to these agencies, and (3) cooperative studies and plans dealing with the public hunting and fishing of animal populations that occur across park boundaries.

In addition, the Service will manage such removals to prevent them from interfering broadly with:

- Natural habitats, natural abundances, and natural distributions of native species and natural processes;
- Rare, threatened, and endangered plant or animal species or their critical habitats;
- Scientific study, interpretation, environmental education, appreciation of wildlife, or other public benefits;
- Opportunities to restore depressed populations of native species; or
- Breeding or spawning grounds of native species.

Where the need to reduce animal populations may be due to persistent human/ animal conflicts, the Service will determine whether or not it can eliminate or mitigate the conflicts by modifying or curtailing the conflicting visitor use or other human activities. Where visitor use or other human activities cannot be modified or curtailed, the Service may directly reduce the animal population by using several animal population management techniques, either separately or together. These techniques include relocation, public hunting on lands outside the park, habitat management, predator restoration, reproductive intervention, and destruction of animals by NPS personnel or their authorized agents. Where animal populations are reduced, destroyed animals may be left in natural areas of the park to decompose. Live animals or carcasses may be removed from parks according to the provisions of applicable laws, agreements, and regulations, including the granting of preference to Native Americans.

(See Pest Management 4.4.5. Also see Director's Order #18: Wildland Fire Management; and #60B)

4.4.3 Harvest of Plants and Animals by the Public

Public harvesting of designated species of plants and animals, or their components, may be allowed in park units when:

- Hunting, trapping, subsistence use, or other harvesting is specifically authorized by statute or regulation and not subsequently prohibited by regulation;

- Harvest of certain plant parts or unoccupied seashells for personal consumption or use is specifically authorized by the superintendent in accordance with 36 CFR 2. 1(c)(1);
- Recreational fishing is not specifically prohibited; or
- Commercial fishing is specifically authorized by statute or regulation.

Where harvesting is allowed and subject to NPS control, the Service will allow harvesting only when the monitoring requirement contained in section 4.4.2 and the criteria in section 4.4.2.1, above, have been met, and the Service has determined that the harvesting will not unacceptably impact park resources or natural processes, including the natural distributions, densities, age- class distributions, and behavior of:

- Harvested species;
- Native species that the harvested species use for any purpose; or
- Native species that use the harvested species for any purpose.

The Service will manage harvesting programs, and any associated habitat management programs intended to restore and maintain habitats supporting harvested plant or animal populations, to conform with applicable federal and state regulations and in consultation and cooperation, as appropriate, with individual states or tribal governments.

Habitat manipulation for harvested species may include the restoration of a disturbed area to its natural condition so it can become self- perpetuating, but will not include the artificial manipulation of habitat to increase the numbers of a harvested species above its natural range in population levels.

The Service may encourage the intensive harvesting of exotic species in certain situations when needed to meet park management objectives.

In some situations, the Park Service may stock native or exotic animals for recreational harvesting purposes, but only when such stocking will not impair park natural resources or processes, and:

- The stocking is of fish into constructed large reservoirs or other significantly altered large water bodies and the purpose is to provide for recreational fishing; or
- Such stocking is in a national recreation area or preserve that has historically been stocked (in these situations, stocking only of the same species may be continued); or
- Congressional intent for stocking is expressed in statute or a House or Senate report accompanying a statute.

The Service will not stock waters that are naturally barren of harvested aquatic species.

Chapter 5: Cultural Resource Management

5.1.3.1 Inventories

The Park Service will (1) maintain and expand the following inventories about cultural resources in units of the national park system, (2) enter information into appropriate related databases, and (3) develop an integrated information system:

- Archeological sites inventory for historic and prehistoric archeological resources and the related Archaeological Sites Management Information System (ASMIS) database;
- Cultural landscapes inventory of historic designed landscapes, historic vernacular landscapes, ethnographic landscapes, and historic sites, and the related Cultural Landscapes Automated Inventory Management System (CLAIMS) database;
- Ethnographic Resources Inventory (ERI) of places, including sites, structures, objects, landscapes, and natural resources with traditional cultural meaning and value to associated peoples and other resource users;
- List of Classified Structures (LCS), encompassing historic and prehistoric structures; and
- National Catalog of Museum Objects, encompassing all cultural objects, archival and manuscript materials, and natural history specimens in NPS collections and the related automated version, the Automated National Catalog System (ANCS+ or its successor).

(See Park Planning Processes 2.3; Confidentiality 5.2.3. Also see Secretary of the Interior's Standards and Guidelines for Identification [48 FR 44720- 723]; Director's Order #28; Cultural Resource Management Handbook)

5.1.3.2 Evaluation and Categorization

Cultural resources will be professionally evaluated and categorized to assist in management decisions about their treatment and use. Cultural resources will be evaluated for significance using National Register Criteria for Evaluation (36 CFR 60. 4), and those meeting the criteria will be nominated for listing. Museum collections are inappropriate for listing and will not be evaluated using these criteria. Some collections in their original structures can be included as contributing elements to a listed structure. As appropriate, cultural resources will be categorized using other management categories established by the National Park Service and listed in the Cultural Resource Management Handbook. Cultural resource professionals will evaluate cultural resources in consultation with the appropriate state and tribal historic preservation officers. Ethnographically meaningful cultural and natural resources, including traditional cultural properties, will be identified and evaluated in consultation with peoples having traditional associations to park resources. Examples of traditionally associated peoples include Acadians, African Americans, Hispanic Americans, and Native Americans. (For editorial convenience, in these Management Policies the term "Native Americans" includes American Indians, Alaskan natives, native peoples of the Caribbean, native Hawaiians, and other native Pacific islanders.) Some ethnographically meaningful resources do not meet National Register Criteria for Evaluation, but will be inventoried in consultation with traditionally associated peoples and considered in management decisions about treatment and use.

(See Consultation 5.2.1. Also see Secretary of the Interior's Standards and Guidelines for Evaluation [48 FR 44723- 726])

5.2 Planning

Effective park stewardship requires informed decision- making about a park's cultural resources. This is best accomplished through a comprehensive planning process. Effective planning is based on an understanding of what a park's cultural resources are, and why those resources are significant. To gain this understanding, the Service must obtain baseline data on the nature and types of cultural resources, and their (1) distribution; (2) condition; (3) significance; and (4) local, regional, and national contexts. Cultural resource planning, and the resource evaluation process that is part of it, will include consultation with cultural resource specialists and scholars having relevant expertise; traditionally associated peoples; and other stakeholders. Current scholarship and needs for research are considered in this process, along with the park's legislative history and other relevant information.

Planning decisions will follow analysis of how proposals might affect the values that make resources significant, and the consideration of alternatives that might avoid or mitigate potential adverse effects. Planning will always seek to avoid harm to cultural resources, and consider the values of traditionally associated groups. To ensure that approaches and alternatives for resource preservation have been identified and considered, planning processes that could affect cultural resources must include cultural resource specialists, traditionally associated peoples, and other stakeholders, and provide them with appropriate notification about opportunities to become involved.

The general management planning process will include goals and strategies for research on, consultation about, and stewardship of cultural resources, and for research on and consultation with traditionally associated and other peoples. Planning for park operations, development, and natural resource management activities will integrate relevant concerns and program needs for identifying, evaluating, monitoring, protecting, preserving, and treating cultural resources.

Superintendents will ensure full consideration of the park's cultural resources and values in all proposals for operations, development, and natural resource programs, including the management of wilderness areas. When proposed undertakings may adversely affect national historic sites, national battlefields, and other predominantly cultural units of the national park system that were established in recognition of their national historical significance, superintendents will provide opportunities for the same level of review and consideration by the Advisory Council on Historic Preservation and the Secretary of the Interior that the Advisory Council's regulations require for undertakings that may adversely affect national historic landmarks (36 CFR 800. 10).

Each park will prepare and periodically update cultural resource components of the park's management plans. Resource plans will define and program activities needed to identify, evaluate, manage, monitor, protect, preserve, and treat the park's cultural resources, as well as provide for their enjoyment and understanding by the public.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Strategic Planning 2.3.2; Implementation Planning 2.3.3. Also see Executive Order 13007; Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the

National Historic Preservation Act [63 FR 20496- 508]; Secretary of the Interior's Standards and Guidelines for Preservation Planning [48 FR 44716- 720]; Secretary of the Interior's Standards for the Treatment of Historic Properties)

5.2.1 Consultation

The National Park Service is committed to the open and meaningful exchange of knowledge and ideas to enhance (1) the public's understanding of park resources and values, and the policies and plans that affect them; and (2) the Service's ability to plan and manage the parks by learning from others. Open exchange requires that the Service seek and employ ways to reach out to, and consult with, all those who have an interest in the parks.

Each park superintendent will consult with outside parties having an interest in the park's cultural resources or in proposed NPS actions that might affect those resources, and provide them with opportunities to learn about, and comment on, those resources and planned actions. Consultation may be formal, as when it is required pursuant to NAGPRA or Section 106 of the NHPA, or it may be informal when there is not a specific statutory requirement. Consultation will be initiated, as appropriate, with tribal, state, and local governments; state and tribal historic preservation officers; the Advisory Council on Historic Preservation; other interested federal agencies; traditionally associated peoples; present-day park neighbors; and other interested groups.

Consultations on proposed Park Service actions will take place as soon as practical, and in an appropriate forum that ensures, to the maximum extent possible, effective communication and the identification of mutually acceptable alternatives. The Service will establish and maintain continuing relationships with outside parties to facilitate future collaboration, formal consultations, and the ongoing informal exchange of views and information on cultural resource matters.

Since national parks embody resources and values of interest to a national audience, efforts to reach out and consult must be national in scope. But the Service will be especially mindful of consulting with traditionally associated peoples—those whose cultural systems or ways of life have an association with park resources and values that pre- dates establishment of the park. Traditionally associated peoples may include park neighbors, traditional residents, and former residents who remain attached to the park area despite having relocated. Examples of traditionally associated peoples include American Indians in the contiguous 48 states, Alaska Natives, African Americans at Jean Lafitte, Asian Americans at Manzanar, and Hispanic Americans at Tumacocori.

In particular, it is essential to consult traditionally associated peoples about:

- Proposed research on, and stewardship of, cultural and natural resources with ethnographic meaning for the groups;
- Development of park planning and interpretive documents that may affect resources traditionally associated with the groups;
- Proposed research that entails collaborative study of the groups;
- Identification, treatment, use, and determination of affiliation of objects subject to NAGPRA;

- Repatriation of Native American cultural items or human remains based on requests by affiliated groups in accordance with NAGPRA;
- Planned excavations and proposed responses to inadvertent discoveries of cultural resources that may be culturally affiliated with the groups;
- Other proposed NPS actions that may affect the treatment and use of, and access to, cultural and natural resources with known or potential cultural meaning for the groups; and
- Designation of National Register, national historic landmark, and world heritage sites.

Consultation with federally recognized American Indian tribes will be on a government- to-government basis. The Service will notify appropriate tribal authorities (such as tribal historic preservation officers) about proposed actions when first conceived, and by subsequently consulting their appointed representatives whenever proposed actions may affect tribal interests, practices, and traditional resources (such as places of religious value).

When engaging in the consultation process, group meetings may be held only for the purpose of exchanging views and information, and to solicit individual advice on proposed NPS actions. NPS may not hold meetings to obtain consensus advice from a group unless the group is chartered pursuant to FACA. FACA does not apply to inter- governmental meetings held exclusively between NPS officials and elected officers of tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities, when the meetings relate to intergovernmental responsibilities or administration.

(See Ethnographic Resources 5.3.5.3. Also see ARPA; NAGPRA; NEPA; NHPA [16 USC 470f]; 36 CFR Part 800; 40 CFR Parts 1500- 1508; 41 CFR Part 101;, 43 CFR Parts 7 and 10; Executive Memorandum on Government- to-Government Relations with Native American Tribal Governments; Executive Order 13007; Executive Order 13175; 512 Department of the Interior Manual [DM] 2; Director's Order #71: Relationships with Indian Tribes; NPS Guide to the Federal Advisory Committee Act)

5.2.3 Confidentiality

Sensitive or confidential information is sometimes acquired during consultations and during other research, planning, and stewardship activities. Under certain circumstances, and to the extent permitted by law, information about the specific location, character, nature, ownership, or acquisition of cultural resources on park lands will be withheld from public disclosure. If a question arises about withholding information, and disclosure could result in a significant invasion of privacy or a risk of harm to a cultural resource, the Park Service will consult the provisions of ARPA (16 USC 470hh); the National Parks Omnibus Management Act (16 USC 5937); and NHPA (16 USC 470w- 3) before making a decision. Under some conditions, the Service may be required by law to disclose confidential information acquired during consultations, public meetings, and other research, planning, and stewardship activities, or in association with the acquisition of resources, including museum collections. Before these activities occur, NPS staff and authorized researchers will make every effort to inform affected parties that, while the information they provide will not be shared voluntarily, confidentiality cannot be guaranteed.

To the extent permitted by law, the Service will withhold from public disclosure (1) information provided by individuals who wish the information to remain confidential, and (2) the identities of individuals who wish to remain anonymous and who are protected from release by exemption under FOIA. In each instance, the Service will document its decision to disseminate or withhold sensitive or confidential information from public disclosure.

More detailed guidance on sensitive and confidential information can be found in Director's Order #66: The Freedom of Information Act and Protected Information; and the Museum Handbook, Part III.

(See Managing Information 1.7. Also see 43 CFR Part 2; 43 CFR 7.18; Privacy Act)

5.3.4 Stewardship of Human Remains and Burials

Marked and unmarked prehistoric and historic burial areas and graves will be identified, evaluated, and protected. Every effort will be made to avoid impacting burial areas and graves when planning park development and managing park operations. Such burial areas and graves will not knowingly be disturbed or archeologically investigated unless threatened with destruction.

The Service will consult with American Indian tribes, other Native American groups, and other individuals and groups linked by demonstrable ties of kinship or culture to potentially identifiable human remains when such remains may be disturbed or are inadvertently encountered on park lands. Re- interment at the same park may be permitted, and may include remains that may have been removed from lands now within the park.

Native American human remains and photographs of such remains will not be exhibited. Drawings, renderings, or casts of such remains may be exhibited with the consent of culturally affiliated Indian tribes and native Hawaiian organizations. The exhibit of non-Native American human remains, or photographs, drawings, renderings, or casts of such remains, is allowed in consultation with traditionally associated peoples. The Service may allow access to, and study, publication, and destructive analysis of, human remains, but must consult with traditionally associated peoples and consider their opinions and concerns before making decisions on appropriate actions. In addition, such use of human remains will occur only with an approved research proposal that describes why the information cannot be obtained through other sources or analysis, and why the research is important to the field of study and the general public.

(See Cultural Resources 6.3.8; Consultation 7.5.5; Cemeteries and Burials 8.6.10. Also see ARPA; NAGPRA; 36 CFR Part 79; 43 CFR Part 10)

5.3.5.3 Ethnographic Resources

Park ethnographic resources are the cultural and natural features of a park that are of traditional significance to traditionally associated peoples. These peoples are the contemporary park neighbors and ethnic or occupational communities that have been associated with a park for two or more generations (40 years), and whose interests in the park's resources began prior to the park's establishment. Living peoples of many cultural backgrounds—American Indians, Inuit (Eskimos), Native Hawaiians, African Americans, Hispanics, Chinese Americans, Euro- Americans, and farmers, ranchers, and fishermen—may have a traditional association with a particular park.

Traditionally associated peoples generally differ as a group from other park visitors in that they typically assign significance to ethnographic resources— places closely linked with their own sense of purpose, existence as a community, and development as ethnically distinctive peoples. These places may be in urban or rural parks, and may support ceremonial activities or represent birthplaces of significant individuals, group origin sites, migration routes, or harvesting or collecting places. While these places have historic attributes that are of great importance to the group, they may not necessarily have a direct association with the reason the park was established, or be appropriate as a topic of general public interest. Some ethnographic resources might also be traditional cultural properties. A traditional cultural property is one that is eligible for inclusion in the National Register of Historic Places because of its association with cultural practices or beliefs of a living community that are (1) rooted in that community's history, and (2) important in maintaining the continuing cultural identity of the community.

The Service's primary interest in these places stems from its responsibilities under:

- The NPS Organic Act—to conserve the natural and historic objects within parks unimpaired for the enjoyment of future generations;
- NHPA—to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage;
- AIRFA—to protect and preserve for American Indians access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites;
- ARPA—to secure, for the present and future benefit of the American people, the protection of archeological resources and sites which are on public lands; and
- NEPA—to preserve important historic, cultural, and natural aspects of our national heritage; and
- Executive Order 13007—to (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites.

The Service must therefore be respectful of these ethnographic resources, and carefully consider the effects that NPS actions may have on them. When religious issues are evident, the Service must also consider constraints imposed on federal agency actions by the first and fourteenth amendments to the U. S. Constitution.

The National Park Service will adopt a comprehensive approach that considers parks and traditionally associated and other peoples as interrelated members of an ecosystem. As an aid to appreciating the diverse human heritage and associated resources that characterize the national park system, the Service will identify the present-day peoples whose cultural practices and identities were, and often still are, closely associated with each park's cultural and natural resources.

ANILCA recognizes the importance of maintaining the Alaska Native culture, and contains several provisions that authorize activities by the NPS that would assist in the cultural preservation of Alaska Native communities. For many rural Alaskans, the land and the way of life are inseparable. The Service will explore opportunities in Alaska to forge a mutually beneficial relationship between Alaska Natives and the NPS. In Alaska and elsewhere, the Service will try to strengthen the ability of traditional and indigenous peoples to perpetuate their culture and to enrich the parks with traditional knowledge and a deeper sense of place.

Ethnographic information will be collected through collaborative research that recognizes the sensitive nature of such information. Cultural anthropologists/ ethnographers will document the meanings that traditionally associated groups assign to traditional natural and cultural resources and the landscapes they form. The park's ethnography file will include this information, as well as data on the traditional management practices and knowledge systems that affect resource uses, and the short- and long- term effects of use on the resources.

(See Confidentiality 5.2.3. Also see Director's Order #29: Ethnography Program)

5.3.5.3.1 Resource Access and Use

Consistent with the requirements of the Organic Act, NHPA, AIRFA, ARPA, NEPA, and Executive Order 13007 cited in section 5. 3. 5. 3 above, the Service will strive to allow American Indians and other traditionally associated peoples access to, and use of, ethnographic resources. Continued access to and use of ethnographic resources is often essential to the survival of family, community, or regional cultural systems, including patterns of belief and sociocultural and religious life. However, the Service may not allow access and use if it would violate the criteria listed in section 8.2.

The Service generally supports traditional access and use, and is considering policy and regulatory revisions that will clarify when reasonable accommodations can be made under NPS authorities to allow greater access and use. Park superintendents may reasonably control the times when, and the places where, specific groups may have exclusive access to particular areas of a park.

With regard to consumptive use of park resources, current NPS policy is reflected in regulations published at 36 CFR 2.1. These regulations allow superintendents to designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife or the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by Federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise allowed. These regulations are currently under review, and NPS policy is evolving in this area.

Regulations addressing traditional subsistence uses that are authorized in Alaska by ANILCA are published at 36 CFR Part 13. Some park- specific enabling acts (for example, Big Cypress National Preserve and Kaloka-Honokohau National Historical Park) allow subsistence or other traditional uses of park resources.

(See Native American Use 8.5; Special Park Uses 8.6; Collecting Natural Products 8.8; Consumptive Uses 8.9)

5.3.5.3.2 Sacred Sites

The National Park Service acknowledges that American Indian tribes, including native Alaskans, treat specific places containing certain natural and cultural resources as sacred places having established religious meaning, and as locales of private ceremonial activities. Consistent with Executive Order 13007, the Service will, to the extent practicable, accommodate access to and ceremonial use of Indian sacred sites by religious practitioners from recognized American Indian and Alaska native tribes, and avoid adversely affecting the physical integrity of such sacred sites.

In consultation with the appropriate groups, the Service will develop a record about such places, and identify any treatments preferred by the groups. This information will alert superintendents and planners to the potential presence of sensitive areas, and will be kept confidential to the extent permitted by law. The Service will collaborate with affected groups to prepare mutually agreeable strategies for providing access to ordinarily gated or otherwise-inaccessible locales, and for enhancing the likelihood of privacy during religious ceremonies. Any strategies that are developed must comply with constitutional and other legal requirements. To the extent feasible and allowable by law, accommodations will also be made for access to, and the use of, sacred places when interest is expressed by other traditionally associated peoples, especially native Hawaiians and other Pacific islanders, and by American Indian peoples and others who often have a long- standing connection and identity with a particular park or resource.

Various ethnic groups, local groups with recently developed ties to resources in neighboring parks, and visitors to family and national cemeteries and national memorials also might use park resources for traditional or individual religious ceremonies. Mutually acceptable agreements may be negotiated with known groups to provide access to, and the use of, such places, consistent with constitutional and other legal constraints.

(See Confidentiality 5.2.3; Resource Access and Use 5.3.5.3.1; Native American Use 8.5; First Amendment Activities 8.6.3. Also see Director's Orders #66: The Freedom of Information Act and Protected Resource Information, and #71B: Sacred Sites; NHPA [16 USC 470w- 3]; Executive Order 13007; 512 DM 3)

5.3.5.3.3 Research

The Park Service will maintain a program of professional cultural anthropological/ ethnographic research, designed to provide NPS managers with information about relationships between park resources and associated peoples. Research will be undertaken in cooperation with associated peoples in an interdisciplinary manner whenever reasonable, especially in studies of natural resource use and ethnographic landscapes. Research findings will be used to inform planning, cultural and natural resource management decision-making, and interpretation, as well as to help managers meet responsibilities to associated peoples and other stakeholders in the outcomes of NPS decisions. Information required for an ethnographic resource inventory will be drawn from ethnographic research reports to the fullest extent possible.

Collaborative research dealing with recent or contemporary cultural systems and the resources of park-associated peoples will involve the groups in the design and implementation of the research and the review of research findings to the fullest possible extent. The Service will provide individuals or groups involved with, or directly affected by, the research with copies or summaries of the reports, as appropriate.

(See Park Planning Processes 2.3; Studies and Collections 4.2; Consultation 7.5.5; Native American Use 8.5. Also see Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes)

5.3.5.5 Museum Collections

The Service will collect, protect, preserve, provide access to, and use objects, specimens, and archival and manuscript collections (henceforth referred to collectively as "collections," or individually as "items") in the disciplines of archeology, ethnography, history, biology, geology, and paleontology, to aid understanding among park visitors, and to advance knowledge in the humanities and sciences. As appropriate, the Service will consult with culturally affiliated or traditionally associated peoples before treating or reproducing items in NPS collections that are subject to NAGPRA.

(Also see Museum Handbook)

5.3.5.5.4 Acquisition, Management, and Disposition

Collections and related documentation essential to achieving the purposes and objectives of parks will be acquired and maintained in accordance with approved scope of collection statements for each park. When museum objects, specimens, or archival documents become available and fall within a park's approved scope of collection statement, every reasonable effort will be made to acquire them, if they can be managed and made accessible according to Service standards.

Archeological objects systematically collected within a park, and natural history specimens systematically collected within a park for exhibit or permanent retention, will be managed as part of the park's museum collection. The management and care of museum collections will be addressed at all appropriate levels of planning. Requisite levels of care will be established through the interdisciplinary efforts of qualified professionals.

Museum collections will be acquired and disposed of in conformance with legal authorizations and current NPS procedures. The National Park Service will acquire only collections having legal and ethical pedigrees. Each park will maintain complete and current accession records to establish the basis for legal custody of the collections in its possession, including intellectual property rights when acquired. Each park will prepare museum catalog records to record basic property management data and other documentary information about the park's museum collection. Collections will be inventoried in accordance with current procedures. Archeological, cultural landscape, ethnographic, historic and prehistoric structure, historic furnishings, natural resource, and other projects that generate collections for parks will provide for cataloging and initial preservation of those collections in the project budget.

The Service may cooperate with qualified entities in the management, use, and exhibition of museum collections, and may loan items to, or borrow items from, such entities for

approved purposes. The Service may de- accession items using means authorized in the Museum Act and NAGPRA.

Interested persons will be permitted to inspect and study NPS museum collections and records in accordance with standards for the preservation and use of collections, and subject to laws and policies regarding the confidentiality of resource data. At cost, copies of documents may be provided.

(See Natural Resource Collections 4.2.3; Confidentiality 5.2.3; Fire Detection, Suppression, and Post- fire Rehabilitation and Protection 5.3.1.2; Environmental Monitoring and Control 5.3.1.4; Consultation 7.5.5; Special Park Uses 8.6; Museum Collections Management Facilities 9.4.2. Also see 16 USC 18f; 43 USC 1460; 36 CFR Part 79; 43 CFR Part 10; and Museum Handbook)

Chapter 6: Wilderness Preservation and Management

6.3.8 Cultural Resources

Cultural resources that have been included within wilderness will be protected and maintained according to the pertinent laws and policies governing cultural resources, using management methods that are consistent with the preservation of wilderness character and values. These laws include the Antiquities Act and the Historic Sites, Buildings and Antiquities Act, as well as subsequent historic preservation legislation, including NHPA, ARPA, and NAGPRA. The American Indian Religious Freedom Act (AIRFA) reaffirms the first Amendment rights of Native Americans to access national park lands for the exercise of their traditional religious practices. The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation projects provide direction for protection and maintenance. Cemeteries or commemorative features, such as plaques or memorials, that have been included in wilderness may be retained (including approved access to these sites), but no new cemeteries or additions to existing cemeteries may be made unless specifically authorized by federal statute, existing reservations, or retained rights. Native American human remains that were removed from wilderness areas and are subject to NAGPRA repatriation may be re- interned at, or near, the site from which they were removed. Native American religious areas and other ethnographic and cultural resources will be inventoried and protected. Native Americans will be permitted access within wilderness for sacred or religious purposes consistent with the intent of AIRFA, the Wilderness Act, and other applicable authorities provided by federal statutes and Executive orders.

(See Chapter 5: Cultural Resource Management)

Chapter 7: Interpretation and Education

7.5.5 Consultation

The National Park Service will present factual and balanced presentations of the many American cultures, heritages, and histories. Consultation with diverse constituencies is essential to the development of effective and meaningful interpretive and educational programs, because it (1) ensures appropriate content and accuracy, and (2) identifies

multiple points of view and potentially sensitive issues. When appropriate, state and local agencies involved in heritage tourism and history (such as state historic preservation officers) should be included in consultations to foster coordination and partnerships. Acknowledging multiple points of view does not require interpretive and educational programs to provide equal time, or to disregard the weight of scientific or historical evidence.

The Service will actively consult traditionally associated peoples and other cultural and community groups in the planning, development, presentation, and operation of park interpretive programs and media relating to their cultures and histories. Cooperative programs will be developed with tribal governments and cultural groups to help the NPS present accurate perspectives on their cultures. Ethnographic or cultural anthropological data and concepts will also be used in interpretive programs, as appropriate. The Service will not display Native American human remains or photographs of those remains. Drawings, renderings, or casts of such remains will not be displayed without the consent of culturally affiliated Indian tribes and native Hawaiian organizations. The Service may exhibit non- Native American remains, photographs, drawings, renderings, or casts thereof, in consultation with traditionally associated peoples. The Service will consult with culturally affiliated or traditionally associated peoples to determine the religious status of any object whose sacred nature is suspected but not confirmed. These consultations will occur before such an object is exhibited or any action is taken that may have an adverse effect on its religious qualities.

(See Evaluation and Categorization 5.1.3.2; Stewardship of Human Remains and Burials 5.3.4; Ethnographic Resources 5.3.5.3; Museum Collections 5.3.5.5)

7.5.6 Cultural Demonstrators

Cultural demonstrators can provide unique insights into their cultures. In order to facilitate their successful interaction with the public, parks may provide cultural demonstrators with training and direction. Cultural demonstrators (in parks outside the National Capital Region) who are not NPS employees may be permitted to sell self- made handcraft items to park visitors, keeping the proceeds for themselves, where such handcrafts are related to the park's interpretive themes. This is allowed under 16 USC 1a- 2(g), which authorizes the sale of products produced in the conduct of living exhibits, interpretive demonstrations, or park programs. When this practice is permitted, all materials used in creating such items must be the private property of the demonstrator, collected from outside the park. The superintendent may permit this practice through a cooperative agreement, special use permit, concession contract, or other legal contract.

Titles 8 and 13 of ANILCA regulate the taking of fish, wildlife, and other natural resources for subsistence and other purposes in the Alaska parks.

(See Special Events 8.6.2; Collecting Natural Products 8.8; Merchandise 10.2.4.4. Also see 36 CFR 5.3; 60 FR 17639)

Chapter 8: Use of the Parks

8.2.6.1 Recreation Fees

Visitors who use federal facilities and services for recreation may be required to pay a greater share of the cost of providing those opportunities than the population as a whole. Under the guidelines and criteria established by law and regulation, the Service will collect recreation fees of the appropriate type for its parks, facilities, and programs. No fees will be collected in circumstances in which the costs of collection would exceed revenue, or where prohibited by law or regulation. Fees charged for recreational activities will be collected only in accordance with the applicable authority, and recreation fee revenues will be managed according to law and policy. Fee rates will be reasonable and equitable, and consistent with criteria and procedures contained in law and NPS guidance documents. Those who lawfully enter or use a park for activities not related to recreation will not be charged an entrance fee, recreation use fee, or special recreation permit fee. Examples of non- recreation exemptions include persons entering parks for:

- First Amendment activities, which are exempt from all fees;
- Special park uses such as agricultural, grazing, and commercial filming activities (all of which are subject to special park use fees);
- NPS-authorized research activities;
- Federal, state, tribal, and local government business; and
- Outings conducted for educational purposes by schools and other bonafide educational institutions.

(See Fees 8.6.1.2; first Amendment Activities 8.6.3. Also see 36 CFR 71.13)

8.5 Native American Use

The National Park Service will develop and implement its programs in a manner that reflects knowledge of and respect for the cultures of Native American tribes or groups with demonstrated ancestral ties to particular resources in parks. Evidence of such ties will be established through systematic archeological or ethnographic studies, including ethnographic oral history and ethnohistory studies, or a combination of these sources. For purposes of these policies, the term "Native American" includes American Indians, Alaskan natives, native peoples of the Caribbean, native Hawaiians, and other native Pacific islanders. The term will be applicable to federally and state-recognized tribes and to those Native Americans who are defined by themselves and known to others as members of a named cultural unit that has historically shared a set of linguistic, kinship, political, or other distinguishing cultural features.

The Service will regularly and actively consult with traditionally associated Native American individuals or groups regarding planning, management, and operational decisions that affect subsistence activities, sacred materials or places, or other ethnographic resources with which they are historically associated. Information about the outcome of these consultations will be made available to those consulted.

In developing its plans and carrying out its programs, the Service will ensure the following:

- Park Service general regulations governing access to and use of natural and cultural resources in parks will be applied in an informed and balanced manner that is consistent with park purposes, does not unreasonably interfere with Native American use of traditional areas or sacred resources, and does not violate the criteria listed in section 8. 2 for use of the parks.
- Superintendents will establish and maintain consulting relationships with potentially affected Native American tribes or groups.
- Management decisions will reflect knowledge about and understanding of potentially affected Native American cultures and people, gained through research and consultations with the potentially affected groups.

AIRFA (42 USC 1996) states that "henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right to freedom to believe, express, and exercise the traditional religions of the American Indians, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites." The National Park Service recognizes that site-specific worship is vital to Native American religious practices. As a matter of policy, and in keeping with the spirit of the law, the Service will be as unrestrictive as possible in permitting Native American tribes access to park areas to perform traditional religious, ceremonial, or other customary activities at places that have been used historically for such purposes, provided the criteria listed in section 8. 2 for use of the parks are not violated. In allowing religious access by other entities, including non-recognized Indian groups, the NPS will consider requests individually, being mindful to not take actions which will either advance or inhibit religion. The Service will not direct visitor attention to the performance of religious observances unless the Native American group so wishes.

With regard to consumptive use of park resources, current NPS policy is reflected in regulations published at 36 CFR 2. 1. These regulations allow superintendents to designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife or the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by Federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise allowed. These regulations are under review, and NPS policy is evolving in this area.

The Service will protect sacred resources to the extent practicable and in a manner consistent with the goals of the traditionally associated Native American tribe or group, when authorized under NHPA. The location and character of sacred sites will be withheld from public disclosure, if disclosure will cause significant invasion of privacy, risk harm to the historic resource, or impede the use of a traditional religious site by practitioners.

As with other non- recreational users, members of Native American tribes or groups may enter parks for traditional non-recreational activities without paying an entrance fee.

The ceremonial use of peyote will be limited to members of the Native American Church during religious ceremonies, in accordance with regulations of the Department of Justice, Drug Enforcement Administration ("Special Exempt Persons, Native American Church," 21 CFR 1307. 31).

(See Consultation 5.2.1; Ethnographic Resources 5.3.5.3; first Amendment Activities 8.6.3; Consumptive Uses 8.9. Also see Executive Order 13007; Director's Orders #71A: Relationships with Indian Tribes, and #71B: Indian Sacred Sites)

8.8 Collecting Natural Products

The collection of natural products for personal use or consumption is governed by NPS general regulations contained in 36 CFR 2. 1. A superintendent may designate certain fruits, berries, nuts, or unoccupied seashells that can be gathered by hand for personal use or consumption upon a written determination by the superintendent that such an activity will not adversely affect park wildlife or the reproductive potential of a plant species or otherwise adversely affect park resources. In some cases, peer-reviewed scientific information may be needed to support the determination. The collection of minerals or rocks for personal use will be allowed only when specifically authorized by federal law or treaty rights.

While campfires are a traditional element of camping and the park experience, the gathering of firewood will be prohibited, except where subsistence use is authorized by federal law, or in specific areas designated by a superintendent in which dead and down wood may be collected for campfires or in small quantities for other uses within the park. Natural resource products that accumulate as a result of site clearing for development, hazard tree removal, vista clearing, or other management actions will be recycled through the ecosystem when practicable. When recycling is not practicable, the products may be disposed of by other means. Disposal may be accomplished by contract, if the result of the work done under contract and the value are calculated in the contract cost, or by sale at fair market value in accordance with applicable laws and regulations. Wood that accumulates as a result of the management actions described above may also be used for park purposes, such as heating public buildings or offices, or for interpretive campfire programs.

(See Consumptive Uses 8.9, Natural and Cultural Studies, Research, and Collection Activities 8.10. Also see Director's Order #18: Wildland Fire Management)

8.9 Consumptive Uses

Consumptive uses of park resources may be allowed only when they are:

- Specifically authorized by federal law or treaty rights (such as hunting, trapping, or mining in specifically identified parks);
- Specifically authorized pursuant to other existing rights (such as a right retained by a donor of the land on which the use would occur);
- Grazing activities authorized in accordance with section 8. 6. 8. 1; or
- Traditional visitor activities, such as fishing or berry picking, that are authorized in accordance with NPS general regulations.

As a matter of policy, the Service general supports the limited and controlled consumption of natural resources for traditional religious and ceremonial purposes, and is moving toward a goal of greater access and accommodation. As a general matter, a superintendent may not allow consumptive use of park resources by any particular group to the exclusion of others.

Current NPS policy is reflected in regulations published at 36 CFR Part 13. The general regulations at 36 CFR 2.1 allow superintendents to designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife or the reproductive potential of a plant species, or other wise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by Federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise allowed.

The 36 CFR Part 13 regulations address the consumptive use of park resources for subsistence purposes in Alaska, where it is allowed in the 10 parks and "expanded areas" established by ANILCA. Some park- specific enabling acts (for example, Big Cypress National Preserve and Kaloka-Honokohau National Historical Park) also allow subsistence or other traditional uses of park resources.

(See Park Management 1.4; Harvest of Plants and Animals by the Public 4.4.3; General 8.1, Native American Use 8.5. Also see 36 CFR Part 13, Subpart B)

Chapter 10: Commercial Visitor Services

10.2.4.5 Merchandise

The National Park Service will approve the nature, type, and quality of merchandise to be offered by concessioners. Although there is no Service- wide list of specific preferred merchandise, priority will be given to those sale items that interpret, and foster awareness and understanding of, the park and its resources. Merchandise should have interpretive labeling, or include other information to indicate how the merchandise is relevant to the park's interpretive theme(s).

Each park with concession activities will have a gift shop mission statement, based on the park's concession service plan or GMP. Concessioners will develop and implement a merchandise plan based on the park's gift- shop mission statement. The merchandise plan must be satisfactory to the Director, and should ensure that merchandise sold or provided reflects the significance of the park, and promotes the conservation of the park's geology; wildlife; plant life; archeology; local Native American culture; local ethnic culture; historical significance; and other park resources and values. The plan should also integrate pollution prevention and waste-reduction objectives and strategies for merchandise.

Merchandise must be available at a range of prices. Theme-related merchandise manufactured or handcrafted in the United States—particularly in a park's geographic vicinity—will be emphasized. The revenue derived from the sale of United States Indian, Alaska native, native Samoan, and native Hawaiian handcrafts is exempt from any franchise fee payments. Foreign merchandise is not encouraged, but will not be prohibited.

This compilation has been prepared by Emogene Bevitt, American Indian Liaison Office, National Park Service, 1849 C Street NW Org. 2560, Washington, DC 20240, tel. 202/354-6963 or 6965; fax 202/371-6609 [EAB1]. January 2003

Complete copies of the policies are available in hard copy, in CD, and on the Internet at http://www.nps.gov/policy

APPENDIX B
Worker Environmental Awareness Training Handbook (example attached)

Long Valley-Haiwee Distribution Line

Worker Environmental Awareness Program Handbook for Cultural & Paleontological Resources

April 2004

CH2MHILL
3 Hutton Centre Drive, Suite 200
Santa Ana, California 92707

Table of Contents

LADWP Commitment

The Los Angeles Department of Water and Power is committed to protecting environmental resources. Those resources have been identified for the Long Valley-Haiwee Distribution Line and the Project design has been modified to ensure their protection. Protection measures have been developed in order to minimize Project impacts. Knowledge and practice of these measures will be the responsibility of all on-site personnel.

Violation of these protection measures could result in costly Project delays or shutdowns, as well as serious consequences for the responsible individuals.

This handbook provides an overview of the sensitive cultural and paleontological resources that may affect the Project. It also includes a description of the laws, protection measures, responsibilities, and penalties associated with those resources and this Project.

As part of the Worker Environmental Awareness Program (WEAP), let this handbook guide you in understanding your responsibilities, taking the proper precautions on the job, and contacting the appropriate person when you have questions. Remember, the Cultural Resoures Monitor is there to help you. With your cooperation, the Project is sure to be a success.

Cultural Resources

Cultural resources include prehistoric or historically important structures or objects, as well as the location of an historic event or an area considered important to a group of people.

Cultural resources provide insight to our local and regional history. Each cultural resource is unique and irreplaceable. You are being given this training because LADWP is committed to preserving California's cultural heritage.

Once an historic object or site has been destroyed, it can never be replaced. Your help is critical in saving California's cultural heritage.

The Project's cultural resources protection program and cultural resources monitoring will be implemented and managed by a Designated Cultural Resources Specialist.

Setting

Most of the Project corridor lies within the territory of the Owens Valley Paiute. The Owens Valley Paiute were hunter gatherers who lived mostly on wild foods and lived in semi-permanent lowland villages. The southernmost portion of the Project corridor, beginning just south of Owens Lake, belonged to the Coso Shoshoni. Rather than living in large, semi-permanent villages, Coso peoples moved frequently as independent family groups.

The first non-Indians in the area were fur trappers followed by miners and ranchers. Rich silver, lead, and zinc deposits at Cerro Gordo in the Inyo Mountains east of Owens Lake were smelted using fuel that was brought by steamboat across Owens Lake from kilns at Cottonwood Creek on the western shore of the lake. Ore and bullion was shipped across the lake from Keeler to Cartago and then shipped overland to San Pedro. In 1910, the arrival of the railroad spurred the growth of mining directed soda ash and Owens Lake was the source of most commercial soda ash in the United States until the late 1920's. The most important commercial operation occurred near Cartago at the California Alkali Company (later the Inyo Chemical Company).

Cultural Resources Monitor

LADWP will have a Cultural Resources Monitor on-site, as needed during ground disturbance, including earth-moving activities, clearing, grading, drilling, and trenching. The Cultural Resources Monitor will observe all activities involving native soil disturbance in areas where surface or buried cultural resources may exist. It is the monitor's job to evaluate any cultural resources discovered during construction activities, and to stop work on the Project if any important cultural resources are discovered.

The kinds of cultural resources that may be discovered include prehistoric artifacts such as grinding stones, arrowheads, and stone flakes, and historic artifacts such as glass bottles, metal objects, animal bones, and possibly building foundations. Human skeletons may also be exposed.

In addition, cultural materials and locations attributed to Hispanic, Asian, and other ethnic or racial groups may also be considered important cultural resources.

Examples of Cultural Resources

The following are examples of cultural resources that could be uncovered in the Project area. The first seven examples are all stone tools shaped for specific functions.

Hammer Stone

The first example is a small **hammer stone**. Hammer stones were used for a wide range of tasks and may show wear at one or both ends.

Flaked Cobble

Flaked cobbles were used for scraping, digging, or cutting. They can occur in a variety of shapes and sizes with a smooth end for holding.

Scrapers had a variety of uses including preparing animal skins, shaping wood, or preparing food. Depending on their function, scrapers come in many shapes and sizes.

Scraper

Lithic debitage, or **chips**, are the waste material of tool making. Chips are often found in a pile where the toolmaker was working.

Chips

Flaked Knives

Flaked knives are very distinctive and easily identified by shape and flaking pattern. Flaked knives can be found in a large number of shapes and sizes.

Projectile points are also very distinctive, and are commonly referred to as **arrowheads**. Projectile points can range in size from one to six inches long and several inches wide.

Arrowheads

The mortar and pestle were used together as a grinding tool. They were used to prepare foods, pigments, medicines, and potions. Similar manos and metates were used together to grind seeds.

Mortar and Pestle

Other historic artifacts that may be present include glass bottles, ceramics, metal cans, and other metal objects, including wire, nails, and building hardware, as well as the remains of former building foundations and underground utilities.

Medicine Bottle

Glass Ink Bottle

Clear glass octagonal ink bottle early 20th century

Glass Milk Bottle

One quart milk bottle Hester Dairy, San Jose, CA circa 1935

Your Responsibility

If a Cultural Resources Monitor is present when a cultural resource is exposed, he or she will direct you to stop work at the location of the "find." Work may be stopped or redirected for only a few minutes, or it may be shut down in the immediate vicinity for an extended period of time, depending on what is found.

If a Cultural Resources Monitor is not present when a cultural resource is found, it is <u>your</u> responsibility to stop work and notify the Construction Project Manager immediately. The Construction Project Manager will then be responsible for notifying the LADWP Compliance Manager that the Archaeological Monitor is needed on site as soon as possible to evaluate the find. Mark the location of the find and block off access to it until the Cultural Resources Monitor arrives. You can use readily available materials such as barrier fencing, barrier tape, or traffic cones to ensure that construction workers and equipment do not enter the area of the find until it has been evaluated. The area of the find must be protected from potential damage to cultural resources that could be caused by construction activities.

It is illegal for you to collect any objects, including old bottles, from public land according to the California Public Resources Code (sections 5097.5 and 5097.9). Disturbing Native American burial sites is a felony under California Public Resources Code Section 5097.99. The following state and Federal laws and regulations affect the management of cultural resources:

- Archaeological Resources Protection Act
- National Historic Preservation Act
- California Environmental Quality Act
- California Public Resources Code (Sections 5097.5, 5097.9, and 5097.99)

Violations of these regulations can result in federal indictment, and are punishable by civil and criminal penalties, including both fines and/or imprisonment, and could result in the revocation of Project certifications, and shut-down of the Project at the direction of the appropriate agency.

Only authorized personnel may handle cultural resources. Notify the Cultural Resources Monitor or Construction Project Manager if you think you may have found a cultural resource. Do not touch or move the object.

If you have any questions about these procedures, please ask your Construction Project Manager or Cultural Resources Monitor for more information.

Paleontological Resources

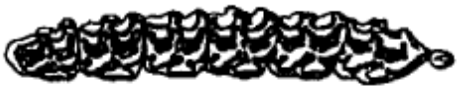
Paleontological resources are the remains of ancient plants and animals. Over 100 years of fossil collecting in central California has resulted in an elaborate record of past life in the State. The first fossils were found during the Gold Rush, and since then scientists have studied the remains of trees now restricted to the Great Basin, as well as sabertooth cats, the American lion, ground sloths, camel, and mammoths. Fossils also include the remains of plants and animals that still occur in the region such as waterfowl, amphibians, and reptiles, such as snakes and lizards. In older sediments, the remains of marine animals can be found, including the bones of whales and seals, and the teeth of giant sharks.

Since fossils include the remains of animals and plants now extinct, and often represent ecosystems that no longer occur in the region, they are considered non-renewable resources. They are valuable for not only scientific purposes, but also for education. If they are destroyed, or collected by non-scientists, the evidence that these remains provide about past life, including the evolution of these organisms, the ancient ecosystems, and even climate change is lost forever. Fossils are protected by both Federal and State laws and regulations to ensure that they will be available for future generations to study and learn from.

Work may be stopped or redirected for only a few minutes, or it may be shut down in the immediate vicinity for an extended period of time, depending on what is found.

Examples of Paleontological Resources

Some examples of fossils that may be found on the Project site include the teeth, bones, or skulls of bison, horses, camels, and mammoths.



Horse Teeth

Camel Teeth

Leg Bones of Horse

Leg Bones of Camel

Skull of Ground Sloth

Skull of Camel

Your Responsibility

LADWP is committed to the protection of fossil resources. **Remember: it is your duty to help with this protection effort.** If you think you have found a fossil, stop work in the immediate area and ask your Construction Project Manager to notify the LADWP Compliance Manager and/or the Cultural Resources Monitor so that your "find" can be evaluated as quickly as possible.

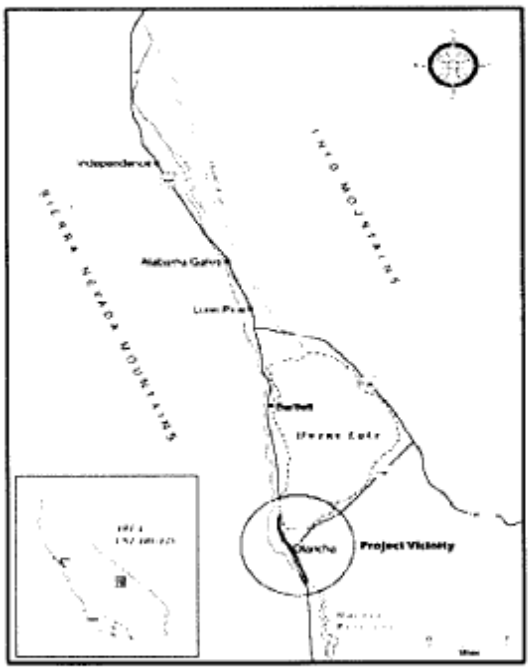
The following state and federal laws and regulations affect the management of paleontological resources:

- Antiquities Act of 1906
- California Environmental Quality Act
- California Public Resources Code (Sections 5097.5 and 5097.9)

Violations of these regulations are punishable by civil and criminal penalties, including both fines and/or imprisonment, and could result in the revocation of Project certification, and shut-down of the Project at the direction of the appropriate agency.

Conclusion

There is the potential for anyone to find paleontological resources on the Long Valley-Haiwee construction corridor. These resources have considerable value to us all and once removed, that value is diminished. Protect yourself, your supervisor, and your company from legal and financial liability by reporting all possible finds of historic and prehistoric remains.



Long Valley-Haiwee Powerline Cartago to LA Aqueduct Location Map

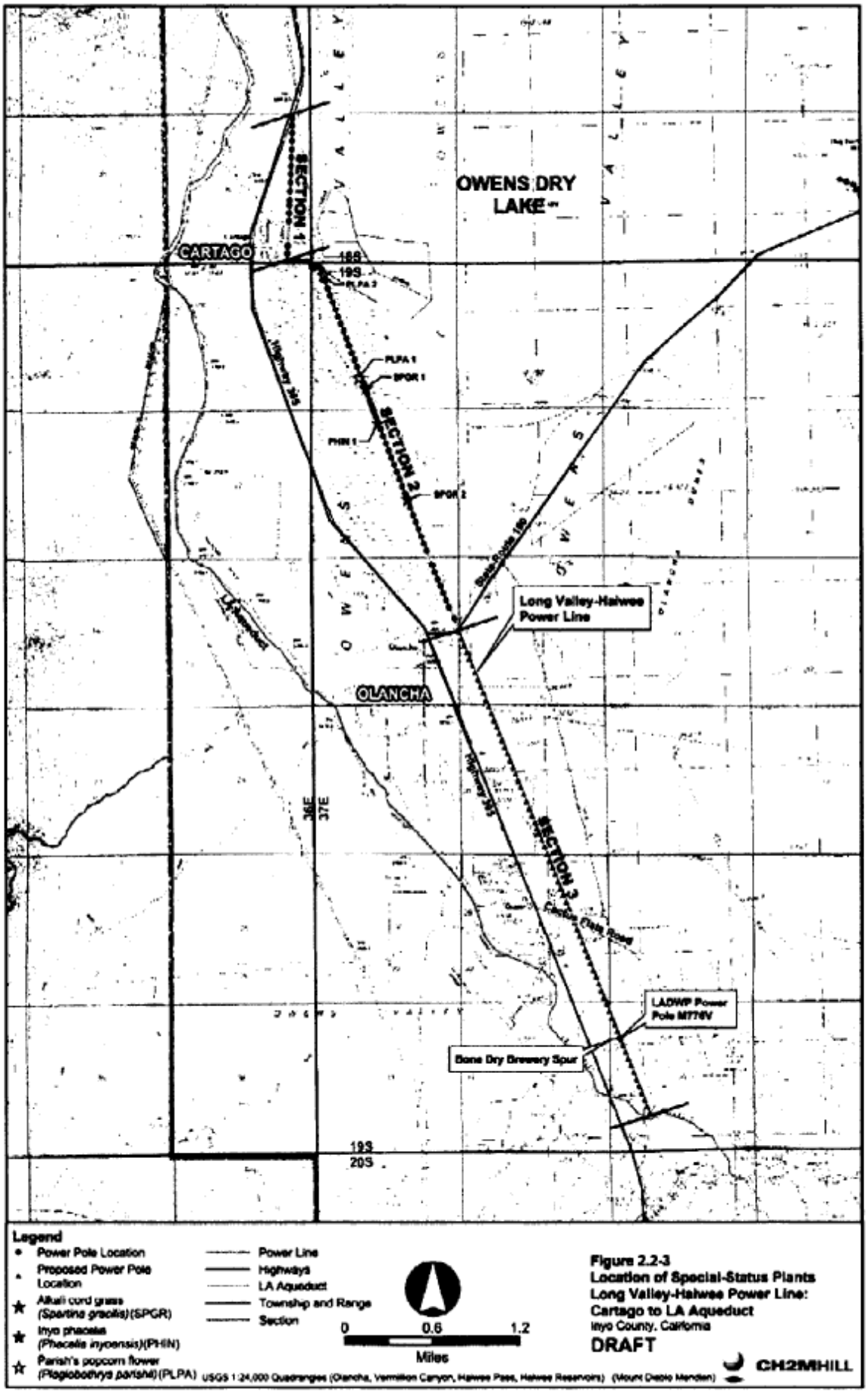


Figure 2.2-3
Location of Special-Status Plants
Long Valley-Haiwee Power Line:
Cartago to LA Aqueduct
Inyo County, California
DRAFT

Contact Personnel

Los Angeles Department of Water and Power

Project Manager, Dan Duffy
(760) 876-5548

Construction Superintendent, Tom Maupin
(760) 876-6025

Cultural Resources Monitors

Onsite Compliance Manager, Ray Ramirez
(415) 999-7920

Designated Cultural Resource Specialist, Dr. Jim Bard/CH2M HILL
(541) 740-2199

Cultural Resources Monitor, Jones & Stokes, Shahira Ashkar
(916) 737-3000

PLEASE FOLD AND TEAR HERE AND HAND IN. THANK YOU.

The Worker Environmental Awareness Training Program for the Long Valley-Haiwee Powerline, Cartago to Los Angeles Aqueduct

Presented by:

CH2M HILL
3 Hutton Centre Drive, Suite 200
Santa Ana, California 92707
(714) 429-2000

By signing below, I acknowledge that I have attended LADWP's Worker Environmental Awareness Training Program and agree to comply with all the environmental requirements presented.

Signature: .....

Print Name: .....

Date: .....

Presentation Administered By:

APPENDIX C
Protocols for NAGPRA Inadvertent Discovery and Intentional Excavations on the Lake Roosevelt National Recreation Area: Spokane Tribe of Indians, National Park Service and Bureau of Reclamation

H30

January 31, 2005

Memorandum

To: Park Staff

From: Superintendent

Subject: Notification Procedures for Inadvertent Discovery of Human Remains

As a reminder, it is likely that the annual drawdown of Lake Roosevelt will cause exposure of human remains and other sensitive resources in the lakebed. It is very important that any discoveries of human remains on federal lands within the National Recreation Area be treated respectfully and that notification of the appropriate parties occurs in an expeditious manner. These sites are obviously of great concern to the Colville and Spokane Tribes, depending on location, and it is incumbent upon us as the federal land manager to take every possible measure to insure their protection, including confidentiality as to location.

In accordance with the Native American Graves Protection and Repatriation Act and the Archeological Resources Protection Act, the following procedures are in effect for 2004 in the event that a NPS employee either discovers human remains or is notified of the possible presence of exposed remains suspected to be of Native American origin on Lake Roosevelt whether or not the remains are found on NPS land or Tribal land:

1. If potentially human remains are encountered, any activity in the vicinity of the discovery shall cease and all appropriate effort shall be made to determine if the remains are human. Secure the area and take protective measures to assure that the remains are not in danger of further depredation or disturbance.

   Note: It is the intent of these procedures to only take those actions that are necessary to protect the site from further depredation or disturbance until Law Enforcement personnel, the Tribal Historic Preservation Officers, and the Park cultural staff have been notified and a decision made on what should be done to protect the burial. Further, it is the intent of these procedures to respect the Tribes' concerns for their disturbed ancestors. If on Tribal lands, maintain vigilance until Tribal officials arrive.

2. Immediately contact the appropriate Tribe (see contact list below), District Ranger (Gig LeBret, Chris Rugel, or Karl Pearson depending on location), Archaeologist (Ray DePuydt) or (Planning and Cultural Division Chief) Frank Andrews, and the Superintendent's office with the location and any other pertinent details of the discovery. Notification of tribal representatives will be determined by the location of the discovery. If there is any doubt about which tribe should be contacted, both tribes should be consulted.

3. For sites within the National Recreation Area, Ray DePuydt or Frank Andrews will consult with Camille Pleasants, CCT Tribal Historic Preservation Office or Randy Abrahamson, Tribal Historic Preservation Officer, as appropriate, and Pei-Lin Yu of the Bureau of Reclamation, regarding the treatment and disposition of the remains by the Tribes.

CONTACT NUMBERS

National Park Service

Frank Andrews, Cultural Resources Chief
Office: (509) 633-9441 Ext. 132

Ray DePuydt, Archaeologist
Office: (509) 738-6266 Ext 101
Home: (b) (6)

Gig Lebret, Kettle Falls District Ranger
Office: (509) 738-6288 Ext. 109

Karl Pearson, Spring Canyon District Ranger
Office: (509) 633-9180 Ext. 10

Chris Rugel, Fort Spokane Ranger
Office: (509) 633-3830 Ext. 32

Colville Confederated Tribes

Camille Pleasants, History/Archaeology Dept.
Office: (509) 634-2692
Home: (b) (6)

Spokane Tribe

1. Randy Abrahamson, Tribal Historic Preservation Officer
Office: (509) 258-4060 or (b) (6)
Home
Fax: (509) 258-9844

2. BIA dispatch, Wellpinit (509) 258-4569

Thank you for your continued attention to this very important matter.

Debbie Bird

cc: Dave Lyngholm/Craig Sprankle, Bureau of Reclamation

Pei-Lin Yu, Bureau of Reclamation

Camille Pleasants, Colville Confederated Tribes

Randy Abrahamson, Spokane Tribe of Indians

APPENDIX D
Procedure for the Inadvertent Disturbance or Discovery of Spokane Tribe of Indians Human Remains and Cultural Resources: STI Reservation Lands

Spokane Tribe of Indians
P.O. Box 100-Wellpinit, WA 99040
Tel 509-458-6500, Fax 509-458-6575

Century of Survival
1881-1981:
Procedure for the Inadvertent Disturbance or Discovery of Spokane Human Remains and Cultural Resources

Introduction

Because many ground-disturbing processes, both natural and cultural, have the effect of prompting the destruction of evidence of Spokane Tribal heritage, it is the policy of the Spokane Tribe of Indians (hereafter "Spokane Tribe") to leave Spokane human remains and cultural resources in place and undisturbed. Purposeful disturbance of these resources without proper permit and consultation and/or approval of the Spokane Tribe is a violation of federal, Tribal, State, and/or local law. The National Historic Preservation Act (NHPA) and the Native American Graves Protection and Repatriation Act (NAGPRA) require that federal agencies take responsibility for damage to or loss of human burials caused by the project actions or that occur on off-reservation lands under the management jurisdiction. The Spokane Tribe has been delegated the federal authority as a Tribal Historic Preservation Office for Reservation lands pursuant to Section 101 (d)(2) of the National Historic Preservation Act.

Geographic Area of Applicability

This procedure for the inadvertent disturbance or discovery of Spokane human remains and cultural resources applies to all lands within the boundaries of the Spokane Indian Reservation and is advisory for all lands within the Spokane Tribe's aboriginal territory, as determined in proceedings before the Indian Claims Commission. For the purposes of cultural resource management, the ceded territory is bounded by and includes the Columbia River on the west, the Canadian border to the north, the Idaho border to the east, Rosalia to the southeast, Rosalia to the southeast, and Ritzville to the southwest.

Procedure

In cases of inadvertent disturbance or discovery of Spokane human burials or cultural resources, the following procedure is to be followed:

1. Upon inadvertent disturbance or discovery of human burials or cultural resources, any action(s) affecting the burials or resources shall immediately be halted.

2. The person(s) making the discovery shall immediately notify the appropriate office of the coroner or police. Upon a determination of the appropriate death investigation authority that the location of the remains is not the result of a crime, the following procedures shall apply:

    a) The entity making such disturbance or discovery shall notify the landowner, occupant, or manager. If the land occupant or manager is notified in lieu of the landowner, the occupant or manager will immediately notify the landowner. The entity making the disturbance or discovery will immediately notify the Spokane Tribal Historic Preservation Office, Wellpinit, Washington, in person or by telephone (at 509-258-4315), or by fax (at 509-248-6965), of the disturbance or discovery. The entity is advised to keep written documentation of such contact.

    b) The entity making the disturbance, or discovery will exert its best effort to protect such remains and/or objects until the landowner and/or land occupant or manager arrives to protect these remains and/or objects. Within 24 hours of notification, the

landowner shall supply protection for such remains and/or objects, until disposition or control of such remains and objects has been implemented.

3. The Spokane Tribal Historic Preservation Officer or designated representative(s) shall inspect in person the affected sited, human remains, or cultural resources, and shall determine, if possible evidence at the site, oral history, and/or existing records, the cultural affiliation of such site, human remains, and/or objects, until disposition or control of such remains and objects has been implemented.

   a. If the exposed human remains or cultural resources are clearly Native American and have known lineal descendants or owners, the Spokane Tribal Historic Preservation Officer shall then have the opportunity to make disposition or to take control of such human remains and/or associated funerary objects.

   b. If the exposed human remains and /or associated funerary objects are clearly prehistoric or non-modern Native American in origin and have no known lineal descendants, or if the lineal descendants decline the disposition or control, the Spokane Tribe, as the Indian Tribe which has the closest cultural affiliation and aboriginally occupying the are, claims ownership of such human remains and associated funerary objects, as they choose.[1] The Tribe's ownership and right to disposition and control of the human remains and/or associated funerary objects refers to the entire burial, to the extent it can be recovered, and does not allow in any case for separation of part of an individual's remains from other parts or from their associated funerary objects.

   c. If the exposed human remains and/or associated funerary objects are historic and non-Native American in origin, the Spokane Tribal Historic Preservation Officer will notify the Washington State Historic Preservation Officer (SHPO), Disposition and control over such burials will be determined the SHPO.

   d. If the exposed human remains and/or associated funerary objects are of uncertain or unidentifiable cultural identity, but clearly non-modern in origin, the Spokane Tribal Historic Preservation Officer will use reasonable means, such as professional consultation, to obtain a determination of the responsibility of the entity disturbing such remains. After cultural identity has been satisfactorily determined, the disposition or control of such remains and /or objects shall follow as otherwise provided in this procedure.

   e. If the exposed human remains and/or associated funerary objects are modern or possibly modern in origin, regardless of cultural affiliation, the Spokane Tribal Historic Preservation Officer will notify the local law enforcement authorities. Disposition and control over such burials will be determined by the law enforcement authorities.

[1] For the purposes of this procedure, modern is here defined as less than 50 years old; non-modern is defined as 50 years of age or older. For human remains, the age of such remains is defined as beginning at the death of the individual, to the present.

4. Within 48 hours of notification, the entity with right of disposition and control shall notify the landowner concerning plans for disposition and control over such objects. Actual disposition and control shall be implemented as soon as possible, although may be delayed is so agreed by the landowner and the entity with right of disposition and control, or is the extent of the damage or other circumstances require delay in disposition and control.

The entity performing any action which inadvertently disturbs or damages Spokane human remains or cultural resources shall be responsible for costs of inspection of the damage or disruption by Tribal staff; removal, reburial, and/or restoration of the site; identification of resources. Costs may include but are not limited to staff, equipment, supplies, laboratory costs, and travel. If the entity performing the action which inadvertently disturbs or damages such resource is not also the land owner, such entity is responsible for reimbursing the land owner for costs incurred by the land owner as a direct result of this procedure. In no case shall the required associated with the action or resources involved.

The Spokane Tribal Historic Preservation Office shall make best effort to minimize the costs associated with Inadvertent Disturbance or Discovery, especially when the entity involved fully cooperates with preservation and protection efforts; however, appropriate project undertaking funding shall ensure that sufficient measures are taken to complete the activities described in these procedures.

An entity solely reporting human remains or cultural resources to the Spokane Tribe, provided they have not damaged or disturbed such resources, or caused or been responsible for damage or disturbance of such resources, shall not be responsible for any additional costs under this section.

Relationship to Other Applicable Laws

Full compliance with all aspects of this procedure shall be considered by the Spokane Tribe as full and complete consultation and cooperation with the Spokane Tribe, as required by law, for the purposes of Inadvertent Disturbance and Discovery of human remains and cultural resources.

Limitations

Compliance with this procedure for a particular disturbance or discovery does not constitute consultation and cooperation with the Spokane Tribe on other disturbances or discoveries.

Notification of the Spokane Tribe under this procedure does not release the entity from responsibility for violations of federal, Tribal, state or local law.

Violations

Any entity discovering or disturbing any Spokane human remains or cultural resources who does not follow the procedure described here, shall be considered in violation of this procedure. Such action shall be considered deliberate and causing unauthorized damage to the affected resource; this action is subject to prosecution under applicable federal, Tribal, state and/or local laws.

Recovery of Eroding Human Remains

When approval from the appropriate authorities is given for the collection of scattered human remains or recovery of exposed and immediately endangered remains, standard professional practices will be used to ensure that all associated remains and grave goods are recovered, and that the location is documented to assist future monitoring or management practices. However, those making the recovery shall not open up areas around the burial or discovery with the intention of discovering additional burials and materials or to learn more about the site context. Excavations of this sort are strictly for the salvage of eroding or disturbed burials.

The methods for documentation are to be consistent with practices employed by the Spokane Tribe, including collection of locational data, controlled excavation of the burial pit, and screening of the pit fill.

A professional archaeologist shall be in the field with the burial recovery crew at all times, and shall participate in the documentation of burials in all aspects where their involvement does not violate traditional custom or practices. If permitted by the Spokane, to scale map documentation of excavated features (i.e., distribution of remains and grave goods in the burial pit) is recommended.

The project entity is responsible for the preparation of a site plan map that shows the locations of surface-visible cultural features, significant topographic features, and other information needed to relocate the site in subsequent years for management purposes.

Photographs shall be taken that show the location of excavated burials in relation to identifiable landmarks. Human remains will not be visible in the photograph if not approved by the Spokane Tribe; this authorization will be decided on a case by case basis. The location of un-recovered remains or each excavated grave will be documented on a 7.5' USGS quadrangle topographic map. GPS measurement of location is required.

Associated artifacts and grave goods may be subjected to examination and documentation if that is approved by the Spokane Tribe. Permission from the Spokane Tribal Business Council for examination and documentation of Native American burials and grave good, beyond that required to determine if the remains are Native American in origin, shall be gained in writing and a copy of the written approval shall be provided to the contracting professional investigation of the burial(s).

If the remains are Euro-American in ancestry, standard non-destructive analysis shall be completed of remains and any associated grave goods or mortuary materials.

All grave goods shall be stored with the appropriate skeletal remains.

Any recovered remains will be boxed according to Tribal standards (appropriate size and material to be decided by Tribal Elder in consultation); the contracted investigator will retain and protect the burials in their custody until repatriation occurs or, if such would prove necessary after completion of NAGPRA consultations, the Tribe notifies them to deliver the burial(s) to another location. We anticipate that, after completion of notification processes defined in NAGPRA, Native American remains would be repatriated to Spokane Tribe in Wellpinit, Washington.

Coordination

The Tribal Historic Preservation Officer, is the primary contact for the Spokane Tribe for notification purposes as well as consultation on matters of cultural patrimony. The phone number is (509) 258-4315, or FAX (509) 258-6965. The THPO shall be immediately notified whenever a human burial or scattered human remains are found on any Reservation or ceded land location.

Definitions

Cultural Resources

Cultural resources include (but not by way of limitation): archeological, historic, traditional, and ethnographic resources older than 50 years or originating more than 50 years ago. These include artifacts, features, and sites; pictographs and petroglyphs; traditional cultural properties; sacred sites and continuing practices; traditional gathering areas and resources; the Spokane and Columbia rivers; oral histories, myths, and stories; traditional ceremonies (separate from those practiced at historic sites), gatherings, and activities; and recordings of these in various formats. Those cultural resources specifically excluded from this definition are burial sites, human remains, and associated funerary objects, which possess certain qualities for the Spokane People that are not to be disclosed or discussed in this context.

To further expand this operational definition of cultural resources, three categories of property types should be noted; ancestral lifeways, property is usually an archaeological resource that contains material remains or physical evidence of past human life or activities, including the record of the effects of human activities on the environment. They are capable of revealing scientific and/or humanistic information through archaeological research. For the purposes of the Spokane Tribe, these sites are those that can be dated as originating prior to contact, that is, A.D. 1730.

An historic property may also be archeological in nature, but is better delimited by the time period of contact between the Spokane(e) Peoples and Euro-Americans, that is, between 1730 and 1950. This transitional period and the material culture generated may provide useful insights on assimilation and cultural resistance. In the long run, these contrasts will offer broader cultural and chronological reconstructions, documenting significant events, occupations or activities, and/or structures or landscapes whether extant or vanished, apart from the value of any existing structure or landscape.

Additional cultural properties are those associated with cultural practices or beliefs of a living community that are rooted in that community's history or are important in maintaining its cultural identity. These may also include traditional resource areas, those which traditionally support subsistence or other consumptive or ceremonial use of natural resources. Use can be on-site and visible, inferred from effects, or off-site and referenced in traditional narratives. Traditional ceremonial use may also involve sites, structures, each with their own special local names; as such they are eligible for listing in the National Register Historic Places.

Damage to Cultural Resources

Any intentional or unintentional disturbance to any cultural resource which has not been authorized by the Spokane Tribal Council as appropriate for that resource is considered damage. Damage to cultural resources includes (but not by way of limitation) looting, vandalism, disturbance , or displacement of any artifact, human remains or associated cultural objects, cultural features or sites, sacred sites, or burial sites; collection of non-modern artifacts (older than 50 years) from the surface of the ground; painting, drawing, carving, or other defacement of pictographs or petroglyphs; digging or disturbance in cultural sites; disturbance, clearing, or spraying pesticides in traditional gathering areas; handling of Spokane burial remains or associated objects by non-Tribal members; and desecration of burial grounds.

Entity or Person

For the purposes of the procedure "entity or person" shall mean an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Native American Tribe, and/or of any State or political subdivision thereof.

Objects of Cultural Patrimony

For the Spokane Tribe these objects include (not by way of limitation) Spokane Elders' oral histories, myths, stories; burial remains and associated objects of individuals without known descendants; objects associated with cemeteries and sacred sites; and the recordings in any and all media of these classes of objects.